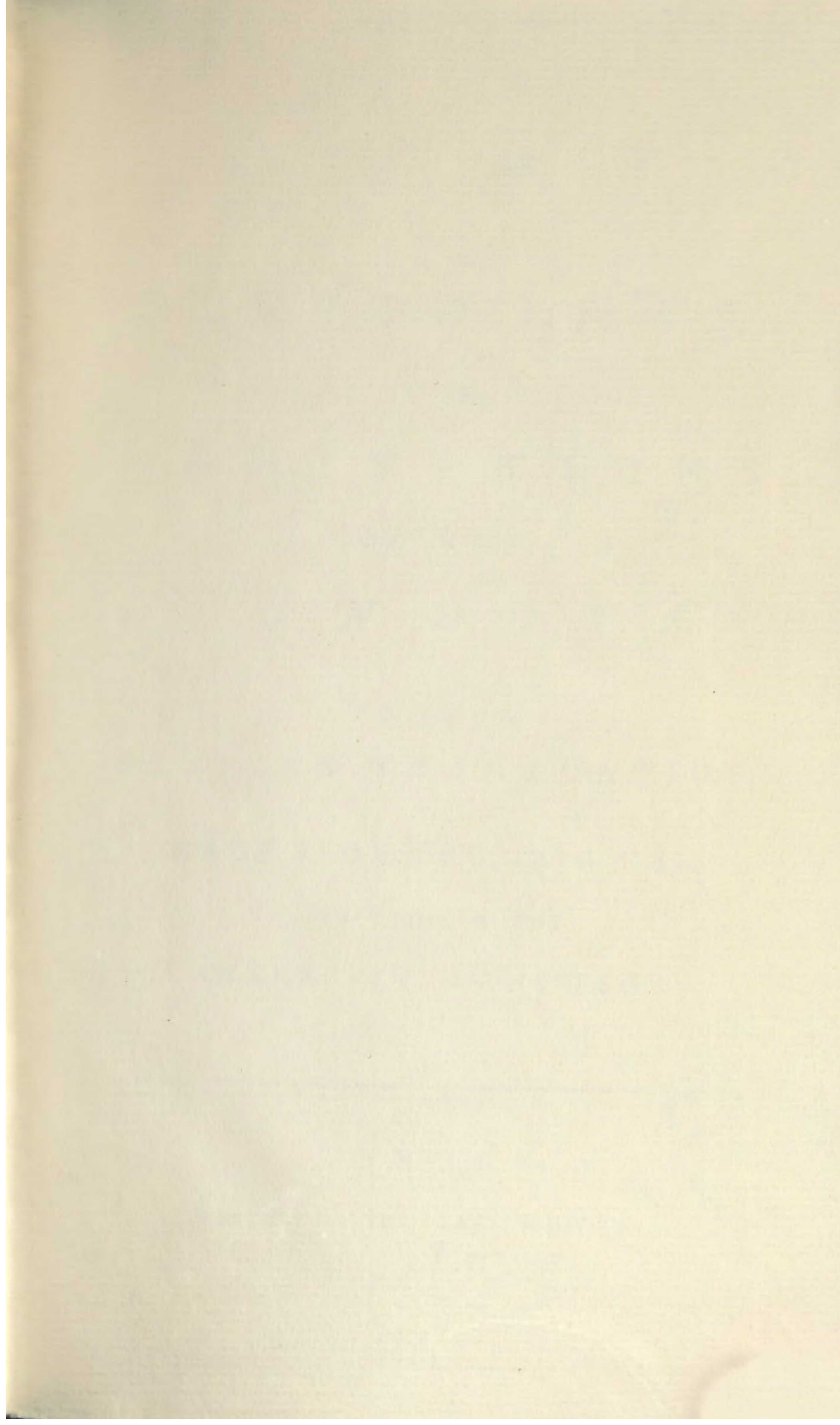


A. or. 6973 2



1. OT. 6973 + [Vivādānava - setu,]

1654^A
C O D E

O F

G E N T O O L A W S,

O R,

O R D I N A T I O N S

O F T H E

P U N D I T ^{Code} S.

F R O M A

P E R S I A N T R A N S L A T I O N,

M A D E F R O M T H E O R I G I N A L,

W R I T T E N I N T H E

S H A N S C R I T L A N G U A G E.

L O N D O N:

P R I N T E D I N T H E Y E A R M . D C C . L X X X I .

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ORDINATIONS
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L E T T E R

F R O M

WARREN HASTINGS, Esq.

Governor-General of *Fort-William* in *Bengal*.

T O T H E

C O U R T OF D I R E C T O R S

O F T H E

United Company of Merchants of *England*,
trading to the EAST-INDIES.

HONOURABLE SIRS,

I HAVE now the satisfaction to transmit to you a complete and corrected copy of a TRANSLATION of the GENTOO CODE, executed with great ability, diligence, and fidelity, by Mr. *Halhed*, from a Persian version of the original Sanscrit, which was undertaken under the immediate inspection of the Pundits or compilers of this work.

I HAVE not time to offer any observations upon these productions; indeed they will best speak for themselves: I could have wished to have obtained an omission or
2 2
amendment

amendment of some passages, to have rendered them more fit for the public eye ; but the Pundits, when desired to revise them, could not be prevailed upon to make any alterations, as they declared they had the sanction of their Shaster, and were therefore incapable of amendments ; possibly these may be considered as essential parts of the work, since they mark the principles on which many of the laws were formed, and bear the stamp of a very remote antiquity, in which the refinements of society were less known, and the manners more influenced by the natural impulse of the passions.

I HAVE the honour to be, with the greatest respect,

HONOURABLE SIRS,

Your most obedient,

And most faithful humble servant,

Fort-William,
27th March, 1775.

Warren Hastings.

LETTER

L E T T E R

*To the CHAIRMAN of the COURT OF
DIRECTORS of the United East-India Com-
pany, dated at Calcutta, 6th August, 1775.*

S I R,

I HAVE too long served under Mr. *Hastings* not to be convinced, that he would never have suffered the accompanying address to go home in his inclosure; reduced therefore to the necessity of eluding his knowledge, I have taken the liberty, by this only possible method, to express my gratitude for his favours: and the peculiar circumstances of the case will, I hope, apologise to you, Sir, for the abruptness of this intrusion.—I humbly request, that when the CODE of GENTOO LAWS, PRELIMINARY TREATISE, &c. shall come to be printed, you will also be pleased to permit the publication of this address.

I AM, with the greatest respect,

S I R,

Your most obedient humble servant,

Nathaniel Brassey Halbed.

TO

TO THE
HON. WARREN HASTINGS, Esq.
GOVERNOR-GENERAL
OF THE

British Settlements in the East-Indies, &c. &c.

HONOURABLE SIR,

BY the publication of the collection of GENTOO LAWS, made under your immediate authority, I find myself involuntarily held forth to the public as an author, almost as soon as I have commenced to be a man.

IT is therefore with some propriety that I claim to this work the continuation of your patronage, which as it at first selected me from a number of more worthy competitors to undertake the task, so it has, by constant assistance and encouragement, been the entire instrument of its completion.—Indeed, if all the lights, which at different periods have been thrown upon this subject, by your happy suggestions, had been withheld, there would have remained for my share of the performance nothing but a mass of obscurity and confusion; so that, in your own right, the whole result of
the

the execution is yours, as well as the entire merit of the original plan.

It is my earnest wish that you may long be the prime administrator of an establishment, to which you have so excellently paved the way; as I am sure your extensive general knowledge, joined to your particular experience in the affairs of *India*, give you advantages which can scarcely fall to the share of any other subject of the *British* empire.

I AM, with the greatest respect and gratitude,

HONOURABLE SIR,

Your most obliged,

and most obedient servant,

Nathaniel Brassey Halhed.

the execution is good, as well as the entire merit of
the original plan.

It is my earnest wish that you may long be the
prime administrator of an establishment, to which you
have to exert every part of the way; as I am sure your
extensive general knowledge, joined to your personal
experience in the affairs of India, give you advantages
which can scarcely fall to the share of any other subject
of the British empire.

I am, with the greatest respect and regards,

Honourable Sir, your obedient servant,

Yours most obliged,

and most distinguished friend,

Nathaniel Brassey Halhed.

T H E

TRANSLATOR'S PREFACE.

THE importance of the commerce of India, and the advantages of a territorial establishment in Bengal, have at length awakened the attention of the British legislature to every circumstance that may conciliate the affections of the natives, or ensure stability to the acquisition. Nothing can so favourably conduce to these two points as a well-timed toleration in matters of religion, and an adoption of such original institutes of the country, as do not immediately clash with the laws or interests of the conquerors.

To a steady pursuance of this great maxim, much of the success of the Romans may be attributed, who not only allowed to their foreign subjects the free exercise of their own religion, and the administration of their own civil jurisdiction, but sometimes, by a policy still more flattering, even naturalized such parts of the mythology of the conquered, as were in any respect compatible with their own system.

WITH a view to the same political advantages, and in observance of so striking an example, the following compilation was set on foot; which must be considered

as the only work of the kind, wherein the genuine principles of the Gentoo jurisprudence are made public, with the sanction of their most respectable Pundits, (or lawyers), and which offers a complete confutation of the belief too common in Europe, that the Hindoos have no written laws whatever, but such as relate to the ceremonious peculiarities of their superstition.

THE professors of the ordinances here collected, still speak the original language in which they were composed, and which is entirely unknown to the bulk of the people, who have settled upon those professors several great endowments and benefactions in all parts of Hindostan, and pay them besides a degree of personal respect little short of idolatry, in return for the advantages supposed to be derived from their studies. A set of the most experienced of these lawyers was selected from every part of Bengal for the purpose of compiling the present work, which they picked out sentence by sentence from various originals in the Sanscrit language, neither adding to, nor diminishing any part of the antient text. The articles thus collected were next translated literally into Persian, under the inspection of one of their own body; and from that translation were rendered into English with an equal attention to the closeness and fidelity of the version. Less studious of elegance than of accuracy, the translator thought it more excusable to tire the reader with the flatness of a literal interpretation, than to mislead him by a vague and devious paraphrase; so that the entire order of the book, the several divisions of its contents, and the whole turn of the phrase, is in every
part

part the immediate product of the Bramins. The English dialect in which it is here offered to the public, and that only, is not the performance of a Gentoo. From hence therefore may be formed a precise idea of the customs and manners of these people, which, to their great injury, have long been misrepresented in the Western world. From hence also materials may be collected towards the legal accomplishment of a new system of government in Bengal, wherein the British laws may, in some degree, be softened and tempered by a moderate attention to the peculiar and national prejudices of the Hindoo; some of whose institutes, however fanciful and injudicious, may perhaps be preferable to any which could be substituted in their room. They are interwoven with the religion of the country, and are therefore revered as of the highest authority: they are the conditions by which they hold their rank in society. Long usage has persuaded them of their equity, and they will always gladly embrace the permission to obey them; to be obliged to renounce their obedience would probably be esteemed among them a real hardship.

THE attention which the translator was forced to bestow upon so uncommon a subject, the number of inquiries necessary for the elucidation of almost every sentence, and the many opportunities of most decisive information, which the course of the work presented, give him in some measure a right to claim the conviction of the world upon many dubious points, which have long eluded the nicest investigation. He is very far from wishing to establish his own doctrines upon the ruins of those which he found already erected; and

when he opposes popular opinion, or contradicts any ill-grounded assertion, it is with the utmost distrust of his own abilities, and merely in submission to the authority of that truth which the candid will ever be glad to support even in prejudice to a system of their own formation.

IN a tract so untrodden as this, many paths must be attempted before we can hit upon the right. We owe much to every person, who in so troublesome a road hath removed a single obstacle, or opened the smallest channel for discovery; and the more difficult the completion of the adventure, the greater is the merit of each attempt. The present work, however, is the only one of this nature ever undertaken by authority; the only instance, in which the Bramins have ever been persuaded to give up a part of their own consequence for the general benefit of the whole community: and the pen of the translator must be considered as entirely the passive instrument, by which the laws of this singular nation are ushered into the world from those Bramins themselves.

IN this preliminary treatise it is proposed, after a few general and introductory observations, to attempt a short account of the Sanscrit language, and an explanation of such passages in the body of the code, as may appear by their peculiarity or repugnance to our sentiments to lie most open to objection.

MANY conjectural doctrines have been circulated by the learned and ingenious of Europe upon the mythology of the Gentoos; and they have unanimously endeavoured to construe the extravagant fables with
which

which it abounds into sublime and mystical symbols of the most refined morality. This mode of reasoning, however common, is not quite candid or equitable, because it sets out with supposing in those people a deficiency of faith with respect to the authenticity of their own scriptures, which, although our better information may convince us to be altogether false and erroneous, yet are by them literally esteemed as the immediate revelations of the Almighty; and the same confidential reliance which we put in the divine text, upon the authority of its divine inspirer himself, is, by their mistaken prejudices, implicitly transferred to the Beids of the Shaster. Hence we are not justified in grounding the standard and criterion of our examination of the Hindoo religion upon the known and infallible truth of our own; because the opposite party would either deny the first principles of our argument, or insist upon an equal right on their side to suppose the veracity of their own scriptures uncontrovertible.

It may possibly be owing to this vanity of reconciling every other mode of worship to some kind of conformity with our own, that allegorical constructions, and forced allusions to a mystic morality, have been constantly foisted in upon the plain and literal context of every pagan mythology. But we should consider, that the institution of a religion has been in every country the first step towards an emersion from savage barbarism, and the establishment of civil society; that the human mind at that period, when reason is just beginning to dawn, and science is yet below the horizon, has by no means acquired that facility of invention, and those profound habits of thinking, which
are

are necessary to strike out, to arrange, and to complete a connected, consistent chain of abstruse allegory. The vulgar and illiterate have always understood the mythology of their country in its most simple and literal sense; and there was a time to every nation, when the highest rank in it was equally vulgar and illiterate with the lowest. Surely then, we have no right to suspect in them a greater propensity to, or capability of the composition of such subtle mysteries in those ages of ignorance, than we find to exist in their legitimate successors, the modern vulgar and illiterate at this day.

WE have seen frequent and unsuccessful attempts among ourselves to sublimate into allusive and symbolical meanings the Mosaic account of the creation: such erratic systems have risen but to be exploded; and their mutual disagreement with each other, in these fanciful interpretations, is to us an additional argument for the literal veracity of the inspired penman. The faith of a Gentoo, (misguided as it is, and groundless as it may be), is equally implicit with that of a Christian, and his allegiance to his own supposed revelations of the divine will altogether as firm. He therefore esteems the astonishing miracles attributed to a Brihmā, a Raām, or a Kishen, as facts of the most indubitable authenticity, and the relation of them as most strictly historical.

BUT not to interfere with such parts of the Hindoo mythology as have not been revealed or explained to him, the translator can positively affirm, that the doctrine of the creation, as set forth in the prefatory discourse

course to this code, is there delivered as simple and plain matter of fact, and as a fundamental article in every pious Gentoo's creed; that it was so meant and understood by the compilers of this work unanimously, who bore the first characters in Bengal, both for their natural and acquired abilities; and that their accounts have been corroborated by the information of many other learned Bramins in the course of a wide and laborious inquiry; nor can it be otherwise, unless the progress of science, instead of being slow and gradual, were quick and instantaneous; unless men could start up at once into divines and philosophers from the very cradle of civilization, or could defer the profession of any religion at all, until progressive centuries had ripened them into a fitness for the most abstracted speculations.

YET it may fairly be presumed, that when the manners of a people become polished, and their ideas enlightened, attempts will be made to revise and refit their religious creed into a conformity with the rest of their improvements; and that those doctrines, which the ignorant ancestor received with reverence and conviction, as the literal exposition of undoubted fact, the philosophic descendant will strive to gloss over by *à posteriori* constructions of his own; and, in the fury of symbol and allegory, obscure and distort that text which the simplicity of its author never suspected as liable to the possibility of such mutilation.—These innovations, however, have always been screened, with the most scrupulous attention, from the general view of mankind; and if a hardy sage hath at any time ventured to remove the veil, his opinions have usually been received with detestation,

testation, and his person hath frequently paid the forfeit of his temerity.

THE real intention and subject of the Eleusinian mysteries are now well known ; but it cannot, with much plausibility, be pretended, that those mysteries were coeval with the mythology to whose disapproval they owed their establishment : probably the institution was formed at a more advanced period of science, when the minds of the learned were eager to pierce through the obscurity of superstition, and when the vanity of superior penetration made them ashamed literally to believe those tenets, which popular prejudice would not suffer them utterly to renounce.

INSTANCES in support of this argument might perhaps, without a strain, be drawn even from some parts of the Holy Scriptures : and here the account of the scape-goat, in the laws of Moses, offers itself for that purpose with the greater propriety, as it is not altogether dissimilar to a particular institute of the Gentoos. The inspired author, after describing the preliminary ceremonies of this sacrifice, proceeds thus :

“ AND Aaron shall lay both his hands upon the head
 “ of the scape-goat, and confess over him all the iniquities of the children of Israel, and all their transgressions in all their sins, putting them upon the head
 “ of the goat, and shall send him away by the hand of
 “ a fit man into the wilderness : and the goat shall bear
 “ upon him all their iniquities unto a land not inhabited ; and he shall let go the goat in the wilderness.”

THE Jews, at the period when this ceremony was ordained, were very little removed from a state of barbarism : gross in their conceptions, illiterate in their education, and uncultivated in their manners ; they were by no means fit subjects for the comprehension of a mystery ; and doubtless, at that time, believed that their crimes were thus really and *bonâ fide* laid upon the head of the victim : yet the more wise, in succeeding ages, might well start from such a prejudice, and rightly conceive it to be a typical representation of the doctrine of absolution.

HENCE it may be understood that what has been herein advanced does not mean to set aside the improvements of philosophy, or to deny the occasional employment of allegory, but merely to establish one plain position, that religion in general, at its origin, is believed literally as it is professed, and that it is afterwards rather refined by the learned than debased by the ignorant.

THE Gentoo ceremony, which was hinted at as bearing a remote likeness to the sacrifice of the scape-goat, is the Ashummeed Jugg, of which a most absurd and fabulous explanation may be found in the body of the code : yet, unnatural as the account there stands, it is seriously credited by the Hindoos of all denominations, except, perhaps, a few individuals, who, by the variety and contradictions of their several allegorical interpretations, have mutually precluded each other from all pretensions to infallibility.

THAT the curious may form some idea of this Gentoo sacrifice when reduced to a symbol, as well as from the subsequent plain account given of it in a chapter of the code, an explanation of it is here inserted from Dārul Shekūh's famous Persian translation of some Commentaries upon the four Beids, or original Scriptures of Hindostan: the work itself is extremely scarce, and perhaps of dubious authenticity; and it was by mere accident that this little specimen was procured.

Explanation of the Ashummeed Jugg.

“ THE Ashummeed Jugg does not merely consist in
 “ the performance of that ceremony which is open to
 “ the inspection of the world, namely, in bringing a
 “ horse and sacrificing him; but Ashummeed is to be
 “ taken in a mystic signification, as implying that the
 “ sacrificer must look upon himself to be typified in
 “ that horse, such as he shall be described, because the
 “ religious duty of the Ashummeed Jugg comprehends
 “ all those other religious duties, to the performance of
 “ which all the wise and holy direct all their actions,
 “ and by which all the sincere professors of every differ-
 “ ent faith aim at perfection: the mystic signification
 “ thereof is as follows: The head of that unblemished
 “ horse is the symbol of the morning; his eyes are the
 “ sun; his breath the wind; his wide-opening mouth
 “ is the Bishwāner, or that innate warmth which invi-
 “ gorates all the world; his body typifies one entire
 “ year; his back Paradise; his belly the plains; his
 “ hoof this earth; his sides the four quarters of the
 “ heavens; the bones thereof the intermediate spaces
 “ between

“ between the four quarters ; the rest of his limbs re-
 “ present all distinct matter ; the places where those
 “ limbs meet, or his joints, imply the months and halves
 “ of the months, which are called Pěchě, (or fort-
 “ nights) ; his feet signify night and day ; and night
 “ and day are of four kinds : 1st. The night and day
 “ of Brihmā ; 2d. The night and day of angels ; 3d The
 “ night and day of the world of the spirits of deceased
 “ ancestors ; 4th. The night and day of mortals : these
 “ four kinds are typified in his four feet. The rest of
 “ his bones are the constellations of the fixed stars,
 “ which are the twenty-eight stages of the moon’s
 “ course, called the lunar year ; his flesh is the clouds ;
 “ his food the sand ; his tendons the rivers ; his spleen
 “ and liver the mountains ; the hair of his body the
 “ vegetables, and his long hair the trees ; the forepart
 “ of his body typifies the first half of the day, and the
 “ hinder part the latter half ; his yawning is the flash
 “ of the lightning, and his turning himself is the thun-
 “ der of the cloud ; his urine represents the rain ; and
 “ his mental reflection is his only speech. The golden
 “ vessels which are prepared before the horse is let loose
 “ are the light of the day, and the place where those
 “ vessels are kept is a type of the ocean of the east ; the
 “ silver vessels which are prepared after the horse is let
 “ loose are the light of the night, and the place where
 “ those vessels are kept is a type of the ocean of the
 “ west : these two sorts of vessels are always before and
 “ after the horse.—The Arabian horse, which, on ac-
 “ count of his swiftness, is called Hy, is the performer
 “ of the journies of angels ; the Tājee, which is of the
 “ race of Persian horses, is the performer of the journies
 “ of the Kundherps, (or good spirits) ; the Wāsbā,

“ which is of the race of the deformed Tāzee horses, is
 “ the performer of the journies of the Jins, (or demons);
 “ and the Afhoo, which is of the race of Turkish horses,
 “ is the performer of the journies of mankind : this one
 “ horse, which performs these several services, on ac-
 “ count of his four different sorts of riders, obtains the
 “ four different appellations : the place where this horse
 “ remains is the great ocean, which signifies the great
 “ spirit of Perm-Atmā, or the universal soul, which pro-
 “ ceeds also from that Perm-Atmā, and is comprehend-
 “ ed in the same Perm-Atmā. The intent of this sacri-
 “ fice is, that a man should consider himself to be in
 “ the place of that horse, and look upon all these arti-
 “ cles as typified in himself; and, conceiving the Atmā
 “ (or divine soul) to be an ocean, should let all thought
 “ of self be absorbed in that Atmā.”

THIS is the very acmē and enthusiasm of allegory,
 and wonderfully displays the picturesque powers of fan-
 cy in an Asiatic genius. But it would not have been
 inserted at length in this place, if the circumstance of
 letting loose the horse had not seemed to bear a great
 resemblance to the ceremonies of the scape-goat; and
 perhaps the known intention of this latter may plead for
 the like hidden meaning in the former. But to quit this
 digression.—The real appellations of the country and of
 the inhabitants of Hindostan, by which they are con-
 stantly denominated in the ancient writings of the na-
 tives, seem hitherto to have escaped the notice of the
 western world.

HINDOSTAN is a Persian word, equally unknown to
 the old and modern Sanscrit, compounded of Stān, a
 region

region, and the word Hind, or Hindoo : probably colonel Dow's elegant translation of Ferishteh's history gives us the true derivation, in that author's conjecture, that it is taken from Hind, a supposed son of Ham, the son of Noah ; and, whatever antiquity the Indians may assert for themselves, (of which some notice will subsequently be taken), the Persians, we believe, will rest contented to allow, that the first intercourse between the two nations commenced in the third descent from the Deluge. But, if this definition were rejected, the common opinion, that India was so named by foreigners after the river Indus, is by no means repugnant to probability : in the Sanscrit, however, Hindostan is constantly denominated Bhertekhunt, or Jumboodeep, (as it is hereafter called in the present work, from Jumboo, or Jumbook, a jackall, an animal remarkably abundant in this country, and Deep, any large portion of land surrounded by the sea). Khunt signifies a continent, or wide track of land, and Bherrut is the name of one of the first Indian Rajahs, whose name was adopted for that of the kingdom : Hindoo therefore is not the term by which the inhabitants originally styled themselves, but according to the idiom of their language, Jumboodeepce, or Bhertekhuntce ; and it is only since the æra of the Tartar government that they have assumed the name of Hindoos, to distinguish themselves from their conquerors, the Mussulmen. The word Gentoo has been, and is still, equally mistaken to signify, in the proper sense of the term, the professors of the braminical religion, whereas Gent, or Gentoo, means animal in general, and, in its more confined sense, mankind ; but is never, in the Sanscrit dialect, nor even in the modern jargon of Bengal, appropriated particularly

larly to such as follow the doctrines of Brihmā. The four great tribes have each their own separate appellation; but they have no common or collective term that comprehends the whole nation under the idea affixed by Europeans to the word Gentoo. Possibly the Portuguese on their first arrival in India, hearing the word frequently in the mouths of the natives as applied to mankind in general, might adopt it for the domestic appellation of the Indians themselves; perhaps also their bigotry might force from the word Gentoo a fanciful allusion to Gentile, a Pagan.

THE Sanscrit language is very copious and nervous, but the style of the best authors wonderfully concise. It far exceeds the Greek and Arabic in the regularity of its etymology, and like them has a prodigious number of derivatives from each primary root. The grammatical rules also are numerous and difficult, though there are not many anomalies. As one instance of the truth of this assertion, it may be observed, that there are seven declensions of nouns, all used in the singular, the dual, and the plural number, and all of them differently formed, according as they terminate with a consonant, with a long or a short vowel; and again different also as they are of different genders: not a nominative case can be formed to any one of these nouns, without the application of at least four rules, which differ likewise with each particular difference of the nouns as above stated: add to this, that every word in the language may be used through all the seven declensions, and there needs no farther proof of the difficulty of the idiom.

VOWELS.

अ	आ	इ	ई	उ	ऊ	ऋ	ॠ
ě	ā	ē	ēē	ō	ōō	rēē	rēē
लृ	लृ	ऐ	ै	ओ	औ	अं	अः
lēc	lreē	āē	ī	ō	ōū	*ung or um	ēh

*ung tho' it be not a Vowel is always ranked in this Series.

CONSONANTS.

क	ख	ग	घ	ङ	च	छ	ज	झ	ञ
kē	khē	gē	ghē	ngē	chē	chhē	jē	jhē	gnjē
ट	ठ	ड	ढ	ण	त	थ	द	ध	न
tē	t,hē	dē	d,hē	nē	tē	t,hē	dē	d,hē	nē
प	फ	ब	भ	म	य	र	ल	व	
pē	p,hē	bē	b,hē	mē	yē	rē	lē	vē	
श	ष	स	ह	क्ष					
shē	shē	sē	hē	khjē					

CONNECTED VOWELS.

क	का	कि	की	कु	कू
kē	kā	kēē	kēē	kōō	kōō
वे	वै	को	कौ	के	कः
kāē	kī	kō	kōū	kung	kēh

* The short Vowel or half tone | ě | is always included in every single Consonant, and pronounced with it, to give it utterance; but when a compound Letter is formed by the conjunction of two Consonants, the first of them loses this short Vowel.

THE Sanscrit grammars are called Beeākērun, of which there are many composed by different authors; some too abstruse even for the comprehension of most Bramins, and others too prolix to be ever used but as references. One of the shortest, named the Sārāsootē, contains between two and three hundred pages, and was compiled by Anōbhōtē Seroopnām Achārige, with a conciseness that can scarcely be paralleled in any other language.

THE Sanscrit alphabet contains fifty letters, and it is one boast of the Bramins that it exceeds all other alphabets in this respect: but when we consider that of their thirty-four consonants near half carry combined sounds, and that six of their vowels are merely the correspondent long ones to as many which are short, the advantage seems to be little more than fanciful.

THE Sanscrit character, used in Upper Hindostan, is said to be the same original letter that was first delivered to the people by Brihmā, and is now called Diewnāgar, or the Language of Angels; whereas the character used by the Bramins of Bengal is by no means so antient, and, though somewhat different, is evidently a corruption of the former, as will better appear upon comparison, for which reason the alphabets of both are here inserted*.

To rank rē and lē among the vowels my perhaps be censured as unnatural; we can only say, that, being

* See plates, No. 1. and No. 2.

liquids,

liquids, they partake in some small measure of the vowel; and that to an European ear it seems equally extraordinary to find the Persian and Arabic ain to be a consonant. It will also be observed in the preceding alphabets, that the vowels have different forms when combined with consonants from those they bear when unconnected.

In the four Beids, (the original and sacred text of the great Hindoo Creator and Legislator Brihmā), the length of the vowels is determined and pointed out by a musical note or sign, called Mātrāṅg, (implying one whole tone), which is placed over every word; and in reading the Beids these distinctions of tone and time must be nicely observed; the account of this modulation as given in the Sanscrit grammar, called Sārāsootee, is here translated.

“ THE vowels are of three sorts, short, long, and
 “ continued, (or to use a more musical term, holding).
 “ The Chāsh (a small bird peculiar to Hindostan) ut-
 “ ters one Mātrāṅg, the crow two Mātrāṅgs, and the
 “ peacock three Mātrāṅgs; the mouse half a Mātrāṅg.
 “ One Mātrāṅg is the short vowel, two Mātrāṅgs the
 “ long vowel, and three Mātrāṅgs the continued: a
 “ consonant without a vowel has the half Mātrāṅg.
 “ These vowels are again to be distinguished by a high
 “ note for the one Mātrāṅg, a low note for the two
 “ Mātrāṅgs, and an intermediate or tenor for the three
 “ Mātrāṅgs, either with nasals or gutturals. ēē, ēī,
 “ ō, ōū, are diphthongs, and cannot be short; but these
 “ four, together with the other five, ě, ěě, ōō rěě, lěě,
 “ are to be taken as vowels.”

BENGAL ALPHABET.

VOWELS.

অ	আ	ই	ঈ	উ	ঊ	এ	ঐ
<i>ē</i>	<i>ā</i>	<i>ēē</i>	<i>ēē</i>	<i>ōō</i>	<i>ōō</i>	<i>rēē</i>	<i>rēē</i>
৩	৪	৫	৬	৭	৮	৯	১০
<i>lēē</i>	<i>lrēē</i>	<i>āē</i>	<i>ī</i>	<i>ō</i>	<i>ōū</i>	<i>ung</i>	<i>ēh</i>

CONSONANTS.

ক	খ	গ	ঘ	ঙ	চ	ছ	জ	ঝ	ঞ
<i>kē</i>	<i>k.hē</i>	<i>gē</i>	<i>ghē</i>	<i>Ḑyēh</i>	<i>chē</i>	<i>chhē</i>	<i>jē</i>	<i>jhē</i>	<i>ōōēh</i>
ট	ঠ	ড	ঢ	ণ	ত	থ	দ	ধ	ন
<i>tē</i>	<i>t.hē</i>	<i>dē</i>	<i>d.hē</i>	<i>annoh</i>	<i>tē</i>	<i>t.hē</i>	<i>dē</i>	<i>d.hē</i>	<i>nūh</i>
প	ফ	ব	ভ	ম	য	র	ল	শ	ষ
<i>pē</i>	<i>p.hē</i>	<i>bē</i>	<i>b.hē</i>	<i>mē</i>	<i>yē</i>	<i>rē</i>	<i>lē</i>	<i>mē</i>	
স	ষ	হ	ৱ	ক	খ	গ	ঘ	ঙ	চ
<i>shē</i>	<i>shē</i>	<i>sē</i>	<i>hē</i>	<i>khyē</i>					

CONNECTED VOWELS.

কা	ক্যা	কি	কী	কু	কূ
<i>kē</i>	<i>kā</i>	<i>kēē</i>	<i>kēē</i>	<i>kōō</i>	<i>kōō</i>
কে	কৈ	কো	কৌ	কং	কঃ
<i>kāē</i>	<i>kī</i>	<i>kō</i>	<i>kōū</i>	<i>kung</i>	<i>keh</i>

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It has been mentioned that these distinctions are all marked in the Beids, and must be modulated accordingly, so that they produce all the effect of a laboured recitative; but by an attention to the music of the chant, the sense of the passage recited equally escapes the reader and the audience. It is remarkable, that the Jews in their synagogues chant the Pentateuch in the same kind of melody, and it is supposed that this usage has descended to them from the remotest ages.

To give some faint idea of these arbitrary notes, a line is here inserted with the several Mātrāngs*.

Tēṣe mōṇdēḥ Krēēḥ bēḍērōō bēḍērōō.

THE last syllable of the word bēḍērōō with three Mātrāngs is held for near a minute, gradually sinking, and then swelling out with a fresh rinforza to mark each Mātrāng.

THE Sanscrit poetry comprehends a very great variety of different metres, of which the most common are these:

THE Munee hurreneh Chhund, or line of twelve or nineteen syllables, which is scanned by three syllables in a foot, and the most approved foot is the Anapæst.

THE Cābee Chhund, or line of eleven syllables.

* See plate, No. 3. line 1.

THE Anûsh-tofe Chhund, or line of eight syllables.

THE poems are generally composed in stanzas of four lines, called Ashlogues, which are regular or irregular.

THE most common Ashlogue is that of the Anûsh-tofe Chhund, or regular stanza of eight syllables in each line. In this measure the greatest part of the Mā-hābāret is composed. The rhyme in this kind of stanza should be alternate ; but the poets do not seem to be very nice in the observance of a strict correspondence in the sounds of the terminating syllables, provided the feet of the verse are accurately kept.

THIS short Anûsh-tofe Ashlogue is generally written by two verses in one line, with a pause between, so that the whole then assumes the form of a long distich.

THE irregular stanza is constantly called Aryāchhund, of whatever kind of irregularity it may happen to consist. It is most commonly compounded of the long line Cābee Chhund, and the short Anûsh-tofe Chhund alternately ; in which form it bears some resemblance to the most common Lyric measure of the English.

IT will in this place be pardonable to quote a few stanzas of Sanscrit poetry, as examples of the short account here given of its prosody. The specimens give us no despicable idea of the old Hindoo bards.

The

The images are in general lively and pleasing, the diction elegant and concise, and the metre not inharmonious.

An Asblogue Anúshtofe Chhund, or regular of eight syllables in each line.*

Pěētā chě rěēnēwān shětrōōh
Mātā shětrōō rěshēēlēēnēē
Bhāryā rōōpěwētēē shětrōōh
Pōōtrēh shětrōō rēpundēētēh

A father in debt is an enemy (to his son).

A mother of scandalous behaviour is an enemy (to her son).

A wife of a beautiful figure is an enemy (to her husband).

A son of no learning is an enemy (to his parents).

THESE verses are regular diameter Iambics.

An Asblogue Munnee hurreneh Chhund, or of nineteen syllables †.

Oōtkhātum nēēdhēē shungkēyā khyēētēē tēlum dhonātā
gēērēēr dhātēwō
Nēēstēērnē fsērēētām pētēēr nrēēpētēyōr yētāēnē fung-
tōshēētāh
Muntr' ārādhēnē tētpērāēnē mēnēsā nēētā shmēshānāē
nēēshāh
Prāptā kapēē wērātēēkā nēchē mēyā trēēshnāē fēkāmā
bhēwē.

* See plate, Nq. 3.

† Ibid.

From the insatiable desire of riches, I have digged beneath the earth ; I have fought by chemistry to transmute the metals of the mountains.

I have traversed the queen of the oceans ; I have toiled incessant for the gratification of monarchs.

I have renounced the world, to give up my whole heart to the study of incantations ; I have passed whole nights on the places where the dead are burnt. —

I have not gained one cowry.—Begone, O Avarice, thy business is over.

An Ashlogue Munnee hurreneh Chhund, or of twelve syllables.*

Shěshěēnā cheě nēēshā nēēshēyāchē shěshēē
Shěshěēnā nēēshēyā chē wēēbhātēē nēbhēh
Pēyēsā kēmēlum kēmēlāēnē pēyēh
Pēyēsā kēmēlāēnē wēēbhātēē šērēh

The night is for the moon, and the moon is for the night :

When the moon and the night are together, it is the glory of the heavens.

The lotus, or water-lily, is for the stream, and the stream is for the water-lily :

When the stream and the water-lily meet, it is the glory of the canal.

* See plate, No. 3.

THREE ASHLOGUES.

स्वजनोनयातिवैरं
परादिनबुद्धिविनाशकालेषि
ज्जेदेपिचंदनतरुः
सुखमयतिमुखंकुठारस्य १
यद्यपिनभवतिहानि
परकीयोचरतिरासभीशक्तो
असमंजसमितिमत्वा
तथापिखलुखाद्यतेचंद्रः २
सज्जनस्यहृदयेनवनीते
यद्दंदेतिविबुधान्नदलीके
अन्यदेहविलसत्परितापात्
सज्जनोऽवतिनोनवनीते । ३ ।

THIS species of composition is called Kōōndělēē Chhund, from Kōōndělēē, a circle, and answers nearly to the word rondeau, which sort of verse it exactly imitates.

ALMOST every foot in this beautiful stanza is a pure Anapæst.

Three Ashlogues Aryāchhund, or irregular, from a collection of poems.*

I.

Swējēnō nēyātēē wīrum
Pērēhētē bōoddhēēr wēēnāshē kālāēpēē
Chhāēdāēpēē chudēnē tērōō
Sōōrēbhēyētēē mōōkum kōōt, hārēsye.

A good man goes not upon enmity,
But is well inclined towards another, even while he is
ill-treated by him :
So, even while the Sandal-tree is felling,
It imparts to the edge of the axe its aromatic flavour.

2.

Yēdyēpēē nē bhēwētēē hānēē
Pērēkēēyām chērētēē rāsēbhēē drākhyām
Eśēmunjēsē mēētēē mētawā
Tēthāpēē khēlōō khādyētāē chēndrēh.

* See plate, No. 4.

So long as there is no danger,
 The afs will eat a stranger's vine;
 So not conscious of receiving any hurt,
 The dragon * still attempts to devour the moon.

* * This stanza has been quoted in a former publication as a specimen of the Reig Beid.

3.

Sějjěņűsyě hrěěděyum nějwěņēētum
 Yědwěduntěě wěěböödhā stědělēēkum
 Enyědâêhě wěělěset pěrěētāpāt
 Sějjěņö drěwětěě nō nějwěņēētum.

The good man's heart is like butter,
 The poets say; but herein they are mistaken:
 Upon beholding another's life exposed to calamities,
 The good man melts;—but it is not so with butter †.

THE four Beids are not in verse, as has been hitherto erroneously imagined, but in a kind of measured prose, called Pungtee Chhund: the translator is therefore obliged to observe, that an author of much merit has, by wrong information, been induced to offer four stanzas as specimens of the several Beids, which have not the least affinity or similitude to those books. His first stanza

* Alluding to the Gentoos ideas of an eclipse.

† That is, the simile is not just, because it does not express the powers of sympathy, which are the characteristic part of the good man's disposition.

is very faulty, and without an interpretation : but, as a proof that it cannot belong to the Beids, it has already been quoted in the specimen of the Ashlogue Ar-yāchhund, together with the stanzas immediately preceding and following, which are taken from a work called Kāyāprēkāsh, (or a Collection of Poems), said to have been composed by one Kiyāt, in the third age of the world.

FROM the many obsolete terms used in the Beids, from the conciseness and obscurity of their dialect, and from the particularity of the modulation in which they must be recited, they are now hardly intelligible : very few of the most learned Pundits, and those only who have employed many years of painful study upon this one task, pretend to have the smallest knowledge of the originals, which are now also become extremely scarce and difficult to be found ; but comments have been written on them from the earliest periods ; whereof one of the most ancient and most orthodox was composed by Bisesh Mahāmoonee, or the most wise, a great writer and prophet, who is said to have lived in the Sutte Jogue, or first age of the world, and from whom Beäfs, the celebrated author of the heroic poem Mahābāret, boasted his descent.

THE style of this writer is clear, but very concise ; a specimen of it is here offered, in his explanation of the first chapter of the Reig Beid, which contains a description of the wisdom and powers of the Almighty.

Bisesh

Biseshṭ Mahāmoonē upon the Reig Beid.*

Shrēē Gēnāēshāyē nēmēh ! sēmēstē wēēshēyē wāfēnā
 vēēnēermōōktēh sē Pērēmēhumfē. Kāēwēlum nēerwēē-
 shāē shē Brēhmē chīngtēnē mātāēwē tēēshētēē, sē Pē-
 rēmēhumfēh. Yētrē kōōtrē chēētēēshētēē, tētr', ādōū,
 Rēēgbāēdūfyē Prēgyānēshēbdūfyē vyākhyānum krēēyē-
 tāē. āēkēmaēw' ādwēētēēyum Brēhmāētēē sēēddhāng-
 tēh : Prēgyānum swētēshchītēnyum tēdwēēshāēshāh ēnāē-
 kē prēkārāh ; tēnmēdhyāē yēt, hāwībōōddhy' ānōō-
 lārāēnē vyākhyānum krēēyētāē. Prēkrēshṭum ōōtkrēsh-
 tum, gyānum Prēgyānum : ōōpād hēē rēhēētum swē-
 tēshchītēnyum. Kālē trēyē rēhēētum ; ēwēst, hā trēyē
 rēhēētum ; prēpunchē vēēnēermōōktum swētuntrum
 gyānum tēt prēgyānum nāmē dhāēyum Brēhmē bhē-
 wētēē. Yēggyānāēnē tōō māyā chītēnyum bhēwētēē,
 yegg yānāēnē chētōōrving shētēē tētwwum chītēry-
 um bhēwētēē, kēēmēēwē ; sōōryēs chēkhyōō rēēwē,
 ēgnēē pātrē mēēwē, chōōm bēkē lōhē mēēwē, sōōtrēd-
 hārē chēētrē mēēwē, kāshṭ' āgnēē rēēwē, pōōrōōshē
 chhāyāēwē wātē rāēnōō rēēwē, dhēnōōrddhērē bānē
 ēēwē, brēēkyē chhāyāēwē ; ēmōōnā prēkārāēnē chītē-
 nyum sēmēstē jēgēt prēpunch' ōtpādēkum kērōtēē,
 gyānēshēktēē, ēēchhāshēktēē, krēēyāshēktēē, chītē-
 nyum jēgētākārūm bhēwētēē : ētē āēwē nēērgētāngtēh,
 kērēnāēnē shrōtrē ddhārāēnē shēbdē grēhēnum kērōtēē,
 nēērgētāngtēh kērēnāēnē twēēhā dwārāēnē spērshē grē-
 hēnum kērōtēē, nēērgētāngtēh kērēnāēnē chēkhyōō dwā-
 rāēnē rōōpē grēhēnum kērōtēē, nēērgētāngtēh kērēnāē-
 nē jēēhwā dwārāēnē rēē grēhēnum kērōtēē, nēērgētāng-

* See Plates, No. 5. and No. 6.

CHAPTER OF BISESHT MAHAMONEE

श्रीगणेशायनमः समस्तविषयवासनाविनिर्मुक्तः सप
 रमदंसकेवलनिर्विप्रोषब्रह्मचिंतनमात्रेवतिष्ठतिसप
 रमदंसः यत्रउचचितिष्ठति तत्रादौऋग्वेदस्यप्रज्ञानश
 वस्यव्याख्यानंक्रियते एकमेवाद्वितीयं ब्रह्मेतिसिद्धं तः ।
 प्रज्ञानं स्वतश्चैतन्यं तद्विशेषाः अनेकप्रकाराः तन्मध्ये य
 थावैबुद्ध्यानुसारेण व्याख्यानं क्रियते प्रहृष्टं उत्कृष्टं ज्ञानं
 प्रज्ञानं उपाधिरहितं स्वतश्चैतन्यं कालत्रयरहितं अत्र
 स्यात्त्रयरहितं प्रपंचविनिर्मुक्तं स्वतंत्रं ज्ञानं तत्प्रज्ञानं
 नामधेयं ब्रह्म भवति यद्वा तेन त्वसाया चैतन्यं भवति
 यद्वा तेन चतुर्विंशतितत्त्वं चैतन्यं भवति किमिव सूर्य
 चक्षुरिव अग्निपात्रमिव चुंबकलोहमिव सूत्रधारचि
 त्तमिव काष्ठाग्निरिव पुरुषश्चायैव अमुना प्रकारेण
 चैतन्यं समस्तजगत्पेक्षोत्पादकं करोति ज्ञानशक्ति
 इच्छाशक्ति क्रियाशक्ति चैतन्यं जगदाकारं भवति अ

ॐ नमो भगवते वासुदेवाय

सर्वभूतहितं कुरु सर्वदा

सर्वदुःखहर्त्रा सर्वपापहर्त्रा

सर्वकष्टहर्त्रा सर्वशोकहर्त्रा

सर्वमोक्षदायकं कुरु सर्वदा

सर्वलोकहितं कुरु सर्वदा

सर्वदुःखहर्त्रा सर्वपापहर्त्रा

सर्वकष्टहर्त्रा सर्वशोकहर्त्रा

सर्वमोक्षदायकं कुरु सर्वदा

सर्वलोकहितं कुरु सर्वदा

सर्वदुःखहर्त्रा सर्वपापहर्त्रा

सर्वकष्टहर्त्रा सर्वशोकहर्त्रा

सर्वमोक्षदायकं कुरु सर्वदा

सर्वलोकहितं कुरु सर्वदा

CHAPTER OF BISESHT CONTINUED

तत्पर्वनिर्गतोक्तः करणेन श्रोत्रद्वारेण श्रावणप्रदणं करोति
 निर्गतोक्तः करणेन त्वचाद्वारेण स्पर्शप्रदणं करोति नि
 र्गतोक्तः करणेन चक्षुद्वारेण रूपप्रदणं करोति निर्गतोक्तः
 करणेन जिह्वाद्वारेण रसप्रदणं करोति निर्गतोक्तः
 करणेन नासिकाद्वारेण गन्धप्रदणं करोति अतएव
 पंचकर्मेन्द्रियप्रेरकः पंचज्ञानेन्द्रियप्रेरकः पंचमहाभू
 तप्रेरकः पंचतन्मात्राणिप्रेरकः गुणत्रयप्रेरकः इत्या
 दिसमस्तप्रपंचोत्पत्तिः प्रलयान्मककरोति जग
 त्साक्षित्वेन पश्यति तत्प्रजानेनात्म ब्रह्म ध्येयं भवति
 तस्मात्प्रज्ञातशब्देन तद्वद्ब्रह्मविशेषेण सर्वेश्वरः क
 थ्यते तत्र सूत्रधार ईश्वरः साध्याविद्यातटीनृत्यं क
 रोति कश्चन टड्डव ॥ इति ऋग्वेदस्य प्रज्ञानशब्दनिर्ण
 यः ॥ ॥

těh kěrenâeně nāfěekā dwārâeně gungdhě grěhēnum kě-
rōtěě; ětě âewě punchě kěrmīngdrěeyě prâērēkēh, pun-
chě gyānīndrěeyě prâērēkēh, punchě mēhābhōōtě prâērē-
kēh, punchě tēnmātrānēě prâērēkēh, gōōně trěyě prâērē-
kēh ěetyādēě sēmēstě prēpunch' ōtpěttěh prělěyātmě.
kum kērōtěě, jēgētsākhyěēt wâeně pēshyētěě. Tět prēgyā-
num nāmě Brěhmě dhâēyum bhěwētěě, tēsmāt prēgyānē
shēbdâeně tēd Brěhmě wēeshâēshâeně sēr wâēshērēh kēt,
hyētae; tēbre fōōtrēdhār' ěēshērēh māyā wēēdhyā nētēē
nrēetyum kērōtěě kě-ěewě nētē-ěewě, ěētěě rēēgwâē-
dūfyě prēgyānē shēbdēnēēr nēyēh.

*Commentary of Bisesh Mahāmoonee upon the 1st Chapter
of the Reig Beid.*

GLORY * be to Goneish ! That which is exempt
from all desires of the senses, the same is the
mighty Lord. He is single, and than him there is no-
thing greater. Brehm (the Spirit of God) is absorbed
in self-contemplation : the same is the mighty Lord, who
is present in every part of space, whose omniscience, as ex-
pressed in the Reig Beid, I shall now explain.—Brehm is
one, and to him there is no second ; such is truly Brehm.
His omniscience is self-inspired, (or self-intelligent), and
its comprehension includes every possible species.—To il-
lustrate this as far as I am able.—The most comprehen-
sive of all comprehensive faculties is omniscience ; and,
being self-inspired, it is subject to no accident † of mor-

* An invocation never omitted by a pious Gentoo upon the
commencement of any business whatever.

† Of which they reckon five, conception, birth, growth, de-
cay, and death.

ality or passion ; of vice * ; to it the three † distinctions of time are not ; to it the three ‡ modes of being are not ; it is separated from the universe, and independent of all. This omniscience is named Brehm. By this omniscient Spirit the operations of God are enlivened ; by this Spirit also the twenty-four || powers of nature are animated. How is this ? As the eye by the sun, as the pot by the fire, as iron by the magnet, as variety of imitations by the mimic, as fire by the fuel, as the shadow by the man, as dust by the wind, as the arrow by the spring of the bow, and as the shade by the tree ; so by this Spirit the world is endued with the powers of intellect, the powers of the will, and the powers of action : so that, if it emanates from the heart by the channel of the ear, it causes the perception of sounds ; if it emanates from the heart by the channel of the skin, it causes the perception of the touch ; if it emanates from the heart by the channel of the eye, it causes the per-

* In number six, called Opādhee, *viz.* lust, anger, avarice, folly, drunkenness, and pride.

† The past, present, and future.

‡ To be awake, to sleep, and to be absorbed in a state of unconsciousness—a kind of trance.

|| *Viz.* The five elements ; (for the Hindoos add to the four a subtle æther, which they call Akāsh, and suppose to be the medium of sound).

The five members of action, hand, foot, tongue, anus, and yard.

The five members of perception, ear, eye, nose, mouth, and skin.

The five senses.

The three dispositions of the mind, desire, passion, and tranquillity.

Consciousness, or self-perception.

ception

ception of visible objects ; if it emanates from the heart by the channel of the tongue, it causes the perception of taste ; if it emanates from the heart by the channel of the nose, it causes the perception of smell. This also invigorating the five members of action, and invigorating the five members of perception, and invigorating the five elements, and invigorating the five senses, and invigorating the three dispositions of the mind, &c. causes the creation or the annihilation of the universe ; while itself beholds every thing as an indifferent spectator. Wherefore that omniscience thus centered in Brehm is called Serwaesher (or the Lord of all) ; and this Lord, as a player doth, is perpetually shifting his modes of operation, by a variety of gradations, as the dancer shifts his steps.—Thus far the doctrine of the Reig Beid.

THE translator is conscious, that this short account of the Sanscrit is very defective and insufficient ; but he must plead in his own defence, that very lately only, and that altogether by accident, he was enabled to procure even this slender information ; that the Pundits who compiled the code were to a man resolute in rejecting all his solicitations for instruction in this dialect, and that the persuasion and influence of the governor-general were in vain exerted to the same purpose. However, since the completion of his former task, he has been happy enough to become acquainted with a Bramin of more liberal sentiments, and of a more communicative disposition, joined to an extensive knowledge acquired both by study and travel ; he eagerly embraced the opportunity of profiting by the help of so able a master,

c 2

and

and means to exert all his diligence upon so curious and uncommon a subject.

THE Hindoos as well as the Chinese have ever laid claim to an antiquity infinitely more remote than is authorised by the belief of the rest of mankind. It is certain, however, that these two nations have been acquainted with letters from the very earliest period, and that their annals have never been disturbed or destroyed by any known revolution; and though we may come to the perusal of their records, armed with every argument, and fortified even to prejudice against the admission of their pretensions, at the same time placing the most implicit reliance upon the Mosaic chronology as generally received, yet their plausible accounts of those remote ages, and their undeviating confidence in their own assertions, never can fail to make some impression upon us, in proportion as we gain a clearer insight to them. Suspicions of a like nature are not totally without foundation even in the western world, and the conscientious scruples of the historiographer of mount Etna (as mentioned in a late publication *) will always be of some weight in the scale of philosophy.

THE Hindoos then reckon the duration of the world by four Jogues, or distinct ages.

1. The Sutte Jogue (or age of purity) is said to have lasted 3,200,000 years; and they hold that the life of man was in that age extended to 100,000 years, and that his stature was 21 cubits.

* Brydone's Letters.

2. THE Tirtāh Jogue (or age in which one third of mankind were reprobate) they suppose to have consisted of 2,400,000 years, and that men then lived to the age of 10,000 years.

3. The Dwāpār Jogue (in which half of the human race became depraved) endured 1,600,000 years, and men's lives were reduced to 1000 years.

4. THE Collee Jogue (in which all mankind are corrupted, or rather lessened, for that is the true meaning of Collee) is the present æra, which they suppose ordained to subsist for 400,000 years, of which near 5000 are already past, and man's life in this period is limited to 100 years.

COMPUTATION is lost, and conjecture overwhelmed in the attempt to adjust such astonishing spaces of time to our own confined notions of the world's epoch: to such antiquity the Mosaic creation is but as yesterday; and to such ages the life of Methuselah is no more than a span!—Absurd as this Gentoo doctrine may seem, mere human reason, upon consideration of the present contracted measure of mortality, can no more reconcile to itself the idea of patriarchal than of braminal longevity; and, when the line of implicit faith is once extended, we can never ascertain the precise limits beyond which it must not pass. One circumstance must not be omitted, that the ages allotted to mankind in the several Jogues by the Bramins tally very exactly with those mentioned by Moses, as far as the chronology of the latter reaches: for the last part of the Dwāpār Jogue, in which

which men are said to have attained to one thousand years of life, corresponds with the Mosaic æra of the antediluvians: and in the commencement of the Collee Jogue, which comes very near to the period of the deluge, the portion of human existence was contracted to one hundred years, and is seldom supposed even to go so far.

WE are not much advanced in our inquiries, by allowing with some excellent authors, that most of the Gentoo Shasters (or scriptures) were composed about the beginning of the Collee Jogue; for then we at once come to the immediate æra of the flood, which calamity is never once mentioned in those Shasters, and which yet we must think infinitely too remarkable to have been even but slightly spoken of, much less to have been totally omitted, had it even been known in that part of the world. The Bramins indeed remove this objection by two assertions; one, that all their scriptures were written before the time by us allotted to Noah; the other, that the deluge really never took place in Hindostan.

BUT to wave these vague and indefinite disquisitions, it will not here be superfluous to quote a passage or two from some of the most classical and authentic Shasters, which expressly determine and fix the dates of their respective æras to the earliest Jogues.

THE first specimen here inserted is from the book of Munnoo, which the reader will observe stands foremost in the list of those which furnished the subsequent code; and though the second quotation is not so authoritative,

卷之三

विष्णुसहस्रनाम ॥ १ ॥

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ASHLOGUES.

अबृतां दशकं सदसदशकं यातंच सत्पेयुगे
भादे सासिक्ततामयादि मनु ना ब्रह्माज्ञया पूर्णमे
प्रा त्वे नीतिविचारधर्मजनके ज्ञानप्रदं सर्वदा
भूर्लो के दित कामयामनु प्रजा ना सा स्मृतिदीपिका
वेतायां याज्ञवल्केन व्यतीतेन वपंचके *See Page 40.*
श्रावणे मासि शुक्ले वै पंचम्या बुधवासरे
याज्ञवल्क्या मिदं शास्त्रे धर्मनीतिप्रकाशके
राजनीतिप्रदं चैव नराणां हितकामया ॥

thoritative, as being the production of a later author, (whose name we do not recollect), in testimony of the date of another, yet Jage-Bulk is mentioned among the first legislators, and his books are valued for their antiquity as well as their excellence.

An Ashlogue Munnee hurreneh Chbund, or of nineteen syllables, from Munnoo.*

Ebdānām dēshēkum fēhēfre dēshēkum yātum chē
 fētyâê yoōgâê
 Bhādrâê māfēē krēētāmēyāhēē mēnōōnā brēhmā gyēyā
 pōōrnēēmâê
 Shāstrum nēētēē wēēchārē dhērmē jēnēkum gyānēprē-
 dum fēr wēdā.
 Bhōōrlōkāê hēētēkāmgyēyā mēnōōprējā nāmā smrēē-
 tēē dēēpēēkā.

WHEN ten thousand and ten years of the Suttee Jogue were past, on the night of the full moon, in the month Bhādun, I Munnoo, at the command of Brehmā, finished this Shaster, that speaks of mens duty, of justice, and of religion, ever instructive.

THIS treatise, called Munnoo Smistee, will enlighten the world like a torch.

Two Ashlogues Anūstose Chbund, or of eight syllables, upon Jage-Bulk†.

Trāētāyām yāgyēwēlkāēnē
 Shrāwēnâê māfēē shōōklâê chēē

* See plate, No. 7.

† Ibid.

Yāgyēwēlky' ābhēdum śhāstrum
Rājenēētēē prēdum chīwē.

Vyētēē tāt nēwē punchēkāē
Punchēmyām bōōdhēwāfērāē
Dhērmē nēētēē prēkāśhēkum
Nērānām hēētēkāmyēyā.

In the Tirtāh Jogue, the author Jage-Bulk, when ninety-five years were past, in the month of Sāwun, on the moon's increase, on the Wednesday, (or literally on the day of Mercury *), finished the treatise, called Jage-Bulk, which sets forth the offices of religion, and also informs men of the duties of the magistrate.

WHAT periods shall we possibly assign to these writers, if we disallow the authorities here quoted? If they are false, there must have been a time when the imposition would have been too palpable to have passed upon mankind, and when the concurrent testimony of the whole world would have risen up in judgment against it; for if we grant Munnoo's works to have

* It is very remarkable, that the days of the week are named in the Shanścrit language from the same planets to which they were assigned by the Greeks and Romans:

Audēētyē Wār,	} Solis Dies.	Audēētyē,	} the Sun.
Rēbēē Wār,		Rēbēē,	
Sōmē Wār,	Lunæ Dies.	Sōmē,	the Moon.
Mungēl Wār,	Martis Dies.	Mungēlē,	Mars.
Bōōdhē Wār,	Mercurii Dies.	Bōōdhē,	Mercury.
Brēēhēspēt Wār,	Jovis Dies.	Brēēhēspēt,	Jupiter.
Shōōkrē Wār,	Veneris Dies.	Shōōkrē,	Venus.
Shēnīschēr Wār,	Saturni Dies.	Shēnīschēr,	Saturn.

been published during his own lifetime, it is impossible that he should have ventured to utter so monstrous a forgery; and if they were concealed till after his death, could the memory of his late existence be so shortly obliterated through the whole country?—But supposing so much of the book as relates to the date to have been foisted in by another, and afterwards produced as a part of the original text, which till that time had lain undiscovered, nobody surely would have believed him in opposition to the universal faith! for so miraculous a fiction could never gain credit but upon the support of some principle of religious opinion, and every religion has established a chronology of its own: besides, can it be possible, that none of Munnoo's cotemporaries, none of the succeeding writers should have recorded so striking a circumstance? for if the whole Indian world had till that time believed with us in a chronology nearly answering to that of Moses, so astonishing a change in their sentiments upon the introduction of the doctrine of the Jogues would have furnished ample matter for a thousand volumes: but, on the contrary, all the parts of every Shaster (however different from each other on religious subjects), are yet uniform and consistent throughout upon this; the same mode of computing their annals has always obtained, and the same belief of the remoteness or antiquity that now prevails may be proved to have been universally acknowledged, even at the time in which some pretend to fix the first appearance of letters in Hindostan.

RAJAH PRICHUTT, who though ranked as a modern on the records of India, is yet known to have lived in the earliest ages of the Collee Jogue, was no

less anxious than modern philosophers are to pierce through the obscurity of time, and to trace the progress of the world from its infancy ; at his instigation a work was composed by Shūkeh Diew, a learned Bramin, (son of Beäfs, the famous author of the Mahā-bāret), containing the history of India through the three preceding Jogues, with the succession of the several Rajahs, and the duration of their reigns. This curious history, called SHREE BHAGBUR, still subsists, divided into twelve ascund or books, (literally branches), and three thousand and twenty chapters. What shall we say to a work composed four thousand years ago, and from thence tracing mankind upwards through several millions of years ? Must we answer, that the earth was at that time an uninhabited marsh, still slowly emerging from an universal inundation ?

GREAT, surely, and inexplicable must be the doubts of mere human reason upon such a dilemma when unassisted and uninformed by divine revelation ; but while we admit the former in our argument, we profess a most unshaken reliance upon the latter, before which every suspicion must subside, and scepticism be absorbed in conviction : yet from the premises already established, this conclusion at least may fairly be deduced, that the world does not now contain annals of more indisputable antiquity than those delivered down by the ancient Bramins.

COLLATERAL proofs of this antiquity may be drawn from every page of the present code of laws, in its wonderful correspondence with many parts of the institutes of Moses, one of the first of known legislators :
from

ਸਤਿਨਾਮੁ ਜਪਿ ਜਿਸੁ ਨਿਰੰਕਾਰੁ

ਸੋ ਸਚੁ ਹੋਇ ਸਿਉ ਭਗਤਿ ਭਾਰੁ

ਜਿਸੁ ਭਗਤਿ ਭਾਰੁ ਨਿਰੰਕਾਰੁ

ਨਿਰੰਕਾਰੁ ਜਪਿ ਜਿਸੁ ਨਿਰੰਕਾਰੁ

A S H L O G U E.

वासांसि जीर्णानि यथाविद्वाय
तवानिष्टहन्ति नरोपशान्ति
नद्याशरीरानि विद्वाय जीर्णानि
श्रुत्वा निसेयानि नवाणि देही

from whom we cannot possibly find grounds to suppose the Hindoos received the smallest article of their religion or jurisprudence, though it is not utterly impossible, that the doctrines of Hindostan might have been early transplanted into Egypt, and thus have become familiar to Moses.

THE Gentoos have in all ages believed in the transmigration of souls, which they denominate Kāyāprē-waēth and Kāyāpēlūt: this latter literally answers to the word metempsychosis — An ancient Shaster, called the Geētā, written by Adhâê Doom, has a beautiful stanza upon this system of the transmigration, which he compares to a change of dress.

*An Ashlogue Cābee Chbund, or of eleven syllables in each line *,*

On the transmigration of souls.

Wāfāmfēē jēērnānēē yēt, hā wēēhāyē
Nēwānēē grēhnātēē nērō pērānēē,
Tēt, hā shērēērānēē wēēhāyē jēērnān
Enyānēē sumyātēē nēwānēē dāēhēē.

As throwing aside his old habits,
A man puts on others that are new;
So, our lives quitting the old,
Go to other newer animals.

* See Plate, No. 8.

AN ingenious author * of our own has well explained their ideas upon the subject of a future state, though he laments, at the same time, that his materials were too imperfect to afford complete information.

THEIR creed then is, that those souls which have attained to a certain degree of purity, either by the innocence of their manners, or the severity of their mortifications, are removed to regions of happiness, proportioned to their respective merits : but that those who cannot so far surmount the prevalence of bad example, and the forcible degeneracy of the times, as to deserve such a promotion, are condemned to undergo continual punishment in the animation of successive animal forms, until at the stated period another renovation of the four Jogues shall commence upon the dissolution of the present.

THEY suppose that there are fourteen Bhoobuns or spheres, seven below and six above the earth ; the seven inferior world are said to be altogether inhabited by an infinite variety of serpents, described in every monstrous figure that the imagination can suggest ; hence the reason why such particular mention is made of serpents in the account of the creation prefixed to this code. The earth is called Bhoor, and mankind who inhabit it Bhoor-logue ; an instance of which may be seen in the stanza quoted from Munoo : the spheres gradually ascending from thence are :

* Mr. Holwell.

1st, BōBUR, whose inhabitants are called the Bōbur-logue. 2d, The Swergeh-logue. 3d, The Mahurr-logue. 4th, The Junneh-logue. 5th, The Tuppeh-logue. 6th, The Suttee-logue.

THE Bōbur is the immediate vault of the visible heavens, in which the sun, moon, and stars are placed. The Swergeh is the first Paradise, and general receptacle for those who merit a removal from the lower earth. The Mahurr-logue are the Fakeers, and such persons as by dint of prayer have acquired an extraordinary degree of sanctity. The Junneh-logue are also the souls of pious and moral men; and beyond this sphere they are not supposed to pass without some uncommon merits and qualifications. The sphere of Tuppeh is the reward of those who have all their lives performed some wonderful act of penance and mortification, or who have died martyrs for their religion. The Suttee or highest sphere is the residence of Brihmā and his particular favourites, whence they are also called Brihmā-logue: this is the place of destination for those men who have never uttered a falsehood during their whole lives, and for those women who have voluntarily burned themselves with their husbands. How shall we reconcile so splendid and exalted a benediction pronounced upon this spontaneous martyrdom, with the assertion of an author, that the custom for the wives to burn themselves with their husbands bodies was never reckoned a religious duty in India? This circumstance will again present itself in the remarks on the chapter of women.

BUT

BUT it is now time to draw this essay towards a conclusion, by confining ourselves to the more immediate explanation of such parts of the code as may not seem entirely consistent with European opinions, or European justice.

THE work opens with a short preliminary discourse, written by the Bramins themselves, as well to set forth the motives and uses of the compilation, as to gratify the honest vanity of every sensible mind, in giving some account of itself and of its labours. Nothing can be more remote from a superstitious adherence to their own domestic prejudices, or more truly elevated above the mean and selfish principles of priestcraft, than the genuine dignity of sentiment that breathes through this little performance. Few Christians with all the advantages of enlightened understandings, would have expressed themselves with a more becoming reverence for the grand and impartial designs of Providence in all its works, or with a more extensive charity towards all their fellow-creatures of every profession. It is indeed an article of faith among the Bramins, that God's all-merciful power would not have permitted such a number of different religions, if he had not found a pleasure in beholding their varieties.

THE first section of the preface contains an account of the creation literally as the Gentoos believe it to have been performed: the four great and original tribes are there said to have proceeded from the four different members of Brihmā, the supposed immediate agent of the creation under the Spirit of the Almighty. The
Hindoos

Hindoos do not suppose that these several parts of the Creator, assigned for their production are a symbolical token or description of the respective duties of their stations ; but that the several qualifications of each cast, and the enjoined exercise of those qualifications, are the natural and unavoidable result of the presiding function in each of the members of their first parent.

THE Bramin from the mouth—(wisdom)
to pray, to read, to instruct.

THE Chehteree from the arms—(strength)
to draw the bow, to fight, to govern.

THE Bice from the belly or thighs—(nourishment)
to provide the necessaries of life by agriculture and traffic,

THE Sooder from the feet—(subjection)
to labour, to serve, to travel.

THESE four great tribes comprehend the first grand divisions of a well-regulated state. The mechanic, or petty dealer, as a branch of less importance, and administering rather to the luxuries than to the necessities of life, is furnished from a fifth adventitious tribe, called BURRUN SUNKER, which is again subdivided into almost as many separate casts as there are trades or occupations to be exercised by its members. The same principle of government, though under a different modification, is said to prevail in China, where every man is enjoined by law to follow the business of his father, and forbidden to thrust himself into any other profession.

BUT,

BUT, while we commend the policy of the ancient Hindoos, we must lament their most deplorable ignorance in some of the practical sciences, particularly geography, to which they must give up all pretensions after their extravagant description of the seven deeps, which they suppose to be so many continents separated from each other by an almost infinite ocean, but yet all belonging to the same world which themselves inhabit.

THE other division of the preface contains the requisite qualifications for a magistrate, and the duties of his station ; most of the rules there laid down are very pertinent, and display an accurate knowledge of the human heart.—But as the necessary limits of an essay like this do not give room or opportunity for a general and diffusive criticism, it is here intended only to speak of such particular parts and passages of the work as contain something peculiar, local, or characteristic.

AMONG the qualities required for the proper execution of public business, mention is made, “ That a man
“ must be able to keep in subjection his lust, his anger,
“ his avarice, his *folly*, and his pride.” These vices are sometimes denominated in the Sanscrit under the general term *Opadhee*, a word which occurs in the quoted specimen of the comment upon the *Reig Beid*. The *folly* there specified is not to be understood in the usual sense of the word in an European idiom, as a negative quality, or the mere want of sense, but as a kind of obstinately stupid lethargy, or perverse absence of mind, in which the will is not altogether passive : it seems to be a weakness peculiar to Asia ; for we cannot find a
term

term by which to express the precise idea in the European languages; it operates somewhat like the violent impulse of fear, under which men will utter falsehoods totally incompatible with each other, and utterly contrary to their own opinion, knowledge, and conviction; and it may be added also, their inclination and intention. A very remarkable instance of this temporary frenzy happened lately in the supreme court of judicature at Calcutta, where a man (not an idiot) swore upon a trial, that he was no kind of relation to his own brother who was then in court, and who had constantly supported him from his infancy; and that he lived in a house by himself, for which he paid the rent from his own pocket, when it was proved that he was not worth a rupee, and when the person in whose house he had always resided stood at the bar close to him.

WHENEVER the word *folly*, included among the vices above mentioned, occurs in this code, it must always be understood to carry the meaning here described.—Another conjecture, and that exceedingly acute and ingenious, has been started upon this *folly*, that it may mean the deception which a man permits to be imposed on his judgment by his passions, as acts of rapacity and avarice are often committed by men who ascribe them to prudence and a just assertion of their own right; malice and rancour pass for justice, and brutality for spirit. This opinion, when thoroughly examined, will very nearly tally with the former; for all the passions, as well as fear, have an equal efficacy to disturb and distort the mind: but to account for the *folly* here spoken of, as being the offspring of the passions, instead of drawing a parallel between it and the impulses of those passions,

we must suppose the impulse to act with infinitely more violence upon an Asiatic mind than we can ever have seen exemplified in Europe. It is, however, something like the madness so inimitably delineated in the hero of Cervantes, sensible enough upon some occasions, and at the same time completely wild, and unconscious of itself upon others; and that too originally produced by an effort of the will, though in the end overpowering and superseding its functions.

It will no doubt strike the reader with wonder, to find a prohibition of fire-arms in records of such unfathomable antiquity; and he will probably from hence renew the suspicion which has long been deemed absurd, that Alexander the Great did absolutely meet with some weapons of that kind in India, as a passage in Quintus Curtius seems to ascertain. Gunpowder has been known in China, as well as in Hindostan, far beyond all periods of investigation.—The word fire-arms is literally in Sanscrit Agnee-aster, a weapon of fire; they describe the first species of it to have been a kind of dart or arrow tipped with fire, and discharged upon the enemy from a bamboo. Among several extraordinary properties of this weapon, one was, that, after it had taken its flight, it divided into several separate darts or streams of flame, each of which took effect, and which, when once kindled, could not be extinguished*; but this kind of Agnee-aster is now lost.—Cannon in the Sanscrit idiom is called Shēt-Aghnee, or the weapon that kills a hundred men at once, from (Shētē) a hundred, and (ghēñēh) to kill; and the Pooran Shasters,

* It seems exactly to agree with the Feu Gregeois of the Crusades.

or histories, ascribe the invention of these destructive engines to Běěshöökermā, the artist, who is related to have forged all the weapons for the war which was maintained in the Suttē Joguē between Dewtā and Offoor (or the good and bad spirits) for the space of one hundred years — Was it chance or inspiration that furnished our admirable Milton with exactly the same idea, which had never before occurred to an European imagination?

THE battles which are described in this section, ridiculous as they may appear, when compared with the modern art and improvement of war, are the very counterparts of Homer; for, in the early ages of mankind, a battle appears to have been little more than a set of distinct duels between man and man; in which case every circumstance pointed out in this part of the magistrate's duty might naturally be expected to occur: and this is a forcible argument to prove, that the compilers have not foisted into the code any novel opinions of their own, when in this place hardly one of the principles of war, as stated by them, is applicable to the present system and situation of mankind.

THERE is a particular charge to the magistrate to forbid all fires in the month Cheyt, or part of March and April; this is an institution most wisely and usefully calculated for the climate of Hindostan, where, for above four months before that time there falls no rain, and where the wind always blows hard in that month, and is very dry and parching, so that every thing is in the most cumbustible situation, and the accidental burning of a handful of straw may spread a conflagration through

a whole city.—It is observable in India to this day, that fires are more frequent and more dangerous in the month Cheyt than in all the rest of the year.

UPON the whole, the scope and matter of this section is excellent; and, divested of the peculiar tinct it has received from the religious tenets of its authors, is not unworthy the pen of the most celebrated politicians, or philosophers of ancient Greece.

CHAP. I. THE Code begins with regulations for that which is one of the first cements of civil society, the mutuation of property; which, though equally necessary and advantageous to the public, must be confined within certain limits, and conducted upon the faith of known laws, to render it safe, confidential, and equitable. The favourable distinctions marked towards some tribes, and apparent severity with respect to others, in this chapter, though perhaps not reconcileable to our ideas of social compact, must be supposed perfectly consonant to the maxims of the Gentoos, and familiar to their comprehensions, as it may be observed, that the compilers have been scrupulously exact in pointing out all such cases as have received different decisions in the different originals from whence the abstract is selected. Indeed, the Bramins, indisputably persuaded that their origin is from the mouth, or superior member, of their Creator, and consequently that the superiority of their tribe is interwoven with the very essence of their nature, esteem that to be a full and satisfactory plea for every advantage settled upon them, above the rest of the people, by the laws of their country; nor are the other casts discontented with the lot to which they have been accustomed.

accustomed from their earliest infancy ; if they blame any thing, it is that original turn of chance which gave them rather to spring from the belly or the feet of Brihmā, than from his arms or head.

THE different rate of interest established in this chapter to be paid for the use of different articles, is perhaps an institute peculiar to Hindostan : but it reflects a strong light upon the simplicity of ancient manners, before money was universally current as the medium of barter for all commodities, and is at the same time a weighty proof of the great antiquity of these laws, which seem calculated for the crude conceptions of an almost illiterate people upon their first civilization.

CHAP. II. The rights of inheritance, in the second chapter, are laid down with the utmost precision, and with the strictest attention to the natural claim of the inheritor in the several degrees of affinity. A man is herein considered but as tenant for life in his own property ; and, as all opportunity of distributing his effects by will, after his death, is precluded, hardly any mention is made of such kind of bequest. By these ordinances also, he is hindered from dispossessing his children of his property in favour of aliens, and from making a blind and partial allotment in behalf of a favourite child, to the prejudice of the rest ; by which the weakness of parental affection, or of a misguided mind in its dotage, is admirably remedied. These laws also strongly elucidate the story of the prodigal son in the Scriptures, since it appears from hence to have been an immemorial custom in the east for sons to demand their portion of inheritance during their fathers life-time, and that the
parent,

parent, however aware of the dissipated inclinations of his child, could not legally refuse to comply with the application.

THOUGH Polygamy has been constantly practised and universally allowed under all the religions that have obtained in Asia, we meet with very few instances of permitted polyandry, or a plurality of husbands, such as is mentioned in the fourteenth section of this chapter: but a gentleman who has lately visited the kingdom of Boutān and Thibet, has observed, that the same custom is almost general to this day in those countries, where one wife frequently serves all the males of a whole family, without being the cause of any uncommon jealousy or disunion among them.

THE characteristic enthusiasm of the Gentoos is strongly marked in several parts of this chapter, where it appears, that the property of a Bramin is considered as too sacred to fall into profane hands, even those of the magistrate; which proves also that the magistrates are not Bramins. At the same time, we cannot help noticing many striking instances of moderation and self-denial in the members of this tribe, who, being at once the priests and legislators of the country, have yet resigned all the secular and executive power into the hands of another cast; for it appears, that no Bramin has been properly capable of the magistracy since the time of the Suttée Jogue. They have also in one place ordained, that “ If a widow should give all her
“ property and estate to the Bramins for religious pur-
“ poses, the gift indeed is valid;” that is, it comes within

within the letter of the law : “ but the act is improper and the woman blameable.” Such a censure, though not amounting to an absolute prohibition, is surely a sufficient warning to those whose weak bigotry might thus lead them to error, and an argument that these lawgivers were free from all the narrow principles of self-interested avidity. The only privilege of importance, which they seem to have appropriated to themselves in any part of this compilation, is an exemption from all capital punishment : they may be degraded, branded, imprisoned for life, or sent into perpetual exile ; but it is every where expressly ordained, that a Bramin shall not be put to death upon any account whatsoever.

CHAP. III. THE chapter of justice in its general tendency, seems to be one of the best in the whole code. The necessary qualifications for the arbitrator, the rules for the examination of witnesses, and the requisites for propriety of evidence, are stated with as much accuracy and depth of judgment as the generality of those in our own courts. In this chapter mention is made of the Purrekeh, or trial by ordeal, which is one of the most ancient institutes for the distinguishing criterion of guilt and innocence that hath been handed down to us by sacred or profane history : fire or water were the usual resources upon these occasions, and they were constantly prepared and sanctified by the solemnities of a religious ceremonial. The modes of this ordeal are various in India, according to the choice of the parties or the nature of the offence ; but the infallibility of the result is to this day as implicitly believed,

believed, as it could have been in the darkest ages of antiquity.

WE find a particular injunction and description of a certain water ordeal among the first laws dictated to Moses by God himself; it is contained in the fifth chapter of Numbers, from the twelfth to the thirtieth verse, and is for the satisfaction of jealous husbands, in the immediate detection or acquittal of their wives.

CHAP. IV. V. and VI. In the two succeeding chapters no unusual matter occurs, but such as good sense and a freedom from prejudice will easily develop: but, in the second section of the sixth chapter, a passage appears, which, upon a slight examination, might give the reader a very indifferent opinion of the Gentoo system of government, *viz.* “ a law to regulate the shares of robbers.” This ordinance by no means respects the domestic disturbers of the tranquillity of their own countrymen, or violators of the first principles of society, but only such bold and hardy adventurers as sally forth to levy contributions in a foreign province. Unjust as this behaviour may appear in the eye of equity, it bears the most genuine stamp, of antiquity, and corresponds entirely with the manners of the early Grecians, at or before the period of the Trojan war, and of the western nations, before their emergence from barbarism; a practice still kept up among the pyratic states of Barbary to its fullest extent by sea, and probably among many herds of Tartars and Arabian banditti by land. However, the known existence and originality of this savage system

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will

will justify the Gentoo magistrate of those ancient periods in assisting the freebooters with his advice, and participating in their plunder, when, at that time, such expeditions were esteemed both legal and honourable.

It is not necessary, in an essay like this, to attempt an investigation of every local anomaly, or national peculiarity, that may arise in the course of this work; but merely to speak of such as seem to contradict the general opinions of mankind, and to round off those harsher features of the picture which appear unnatural, or distorted, as well as uncommon.

CHAP. VII and VIII. OMITTING therefore the modes of gift in the seventh chapter, and the particular ordinances respecting slaves in the eighth, let us proceed to the second section of the ninth chapter, “of the wages of dancing women or prostitutes.”

CHAP. IX. FROM the most distant ages the Asiatic world has observed the custom of employing women trained up, and hired for the purpose to sing and dance at the public festivals and religious ceremonies. We find that, “When David was returned from the slaughter of the Philistines, the women came out of all the cities of Israel signing and dancing to meet King Saul, with tabrets, with joy, and with instruments of music.”

It is still an universal practice among the Gentoos, to entertain a number of such women for the celebration of their solemn festivals; and in many parts of
h the

the Decean, a band of them is kept in every village at the public charge, and they are frequently despatched to meet any person passing in a public character, exactly conformable to the reception of Saul by the women of Israel. Probably their being exposed to general view and to a free conversation with men, (so contrary to the reserve and privacy of the rest of their sex in Asia), first betrayed them into prostitution: and in former ages, a prostitute seems to have been by no means so despicable a character as at present, since one of the first acts of King Solomon's government that was thought worthy to be recorded, was a decision from the throne, upon the suit of two harlots. Many states, even among the moderns, have found the necessity as well as utility of tolerated prostitution; they have discovered it to be one of the most effectual methods for preserving the peace of families, and the health of individuals; and public stews have accordingly been licensed under every regulation that could be devised to obviate their probable ill effects, and to secure all their advantages; so, in Asia, the profession of singing and dancing by distinct sets or companies, naturally formed these women into a kind of community. And as the policy of a good government will always look with an eye of regard upon every branch of society, it was but just and proper to enact laws for the security and protection of this public body, as well as of the rest of the state, particularly as the sex and employment of those who composed it rendered them more than usually liable to insult and ill usage.

It can be no objection to the rules laid down in this place, that the language in which they are delivered is plain even to grossness; it is well known that the ancients, even in their most refined ages, admitted a freedom of speech utterly incompatible with the delicacy of modern conversation, and that we are on that account frequently much embarrassed in translating even the most classical authors of Greece and Rome. Indecency too seems to be a word unknown to the law, which ever insists upon a simple definition of fact. The English courts, upon trials for rape or adultery, are full as little modest and equivocal in their language as any part of this or some of the succeeding chapters; neither rank, nor sex, nor innocence, can protect a woman who is unfortunate enough to be called in as a witness, even upon the most trivial points of such a cause, from being obliged to hear, and even to utter the most indecent and shocking expressions, which are necessarily urged upon her, so far as to authenticate every circumstance in question, without the least disguise of circumlocution or reserve in favour of modesty: yet trials of this nature are published at length among us, and read with eagerness, as much perhaps to the scandal of the law, as to the corruption of our imaginations, and the debasement of our manners.

BUT a work upon so diffusive a plan as that of this code, is calculated for the perusal of the judge and the philosopher, and is far above the cavil of narrow understandings and selfish prejudices. These indeed will sometimes feel, or pretend to feel, a greater shock at the mention of certain crimes, than it is to be suspected

they would undergo in the commission of them; but for the warning of the subject, and for the guidance of the magistrate, no delineation of offences can be too minute, and no discrimination too particular.

CHAP. XVI. FROM hence, in conformity to the intention of this treatise, we shall at once proceed to the sixteenth chapter of assault, and of preparation to assault; which seems entirely founded upon the peculiar tenderness of a Gentoo's conscience, with respect to the purity of his cast. Here we see almost every uncleanness that can be practised accurately specified, and strongly prohibited; and the penalty is constantly enhanced in proportion to the rank or circumstances of the parties. The same notions of defilement from contact with any unclean article appear to have been diligently inculcated into the Jews by their inspired legislator: and the nineteenth chapter of Numbers bears an evident relation to the spirit and meaning of the chapter here, though it differs in the statement of the several objects from whence the defilement is supposed to proceed. The regulations before us were entirely necessary for a people, whose very degree and place in society were conditionally dependent upon a scrupulous avoidance of all uncleanness. Hence even the preparation or attempt to assault was forbidden, as well as the attack itself; and the tautological enumeration of every possible mode of this assault, by the most minute gradations, needs no other plea to reconcile it to our ideas.

CHAP. XVII. THE chapter upon theft contains a complete answer to every objection that might be brought
against

against a former expression in the code, “Of the magistrates sharing in the plunder of robbers,” as almost every possible species of fraud or robbery is in this place impartially condemned. Among other punishments, those of “Cutting off the hair, shaving with the urine of an ass,” &c. are several times mentioned. These are like the stocks and pillory among ourselves, intended to operate upon the feelings of the mind, rather than those of the body, and, by awakening the sense of shame and disgrace, to obviate the necessity of corporal chastisement. They are constantly considered among the Hindoos as the most complete degradation they can undergo, next to the absolute loss of cast. And some imagine, though without foundation, that they are by this punishment really expelled from their tribe: that, however is not the case; they are meant merely as temporary humiliations, and as a kind of warning, that upon the next offence the sword of justice will be aimed at the head itself.

THE fines or penalties enjoined for concealed theft, in the third section of this chapter, comprehend most of the modes of capital punishment prescribed by ancient or modern tribunals. Hanging and crucifixion seem to have been the usual kinds of death inflicted by the Jews; but their laws were also no strangers to the practice of burning, as we find in the twenty-first chapter of Leviticus, “The daughter of any priest, if she profane herself by playing the whore, she profaneth her father, she shall be burned with fire.”

THE crime of men-stealing, mentioned in this part of the code, however repugnant to every principle of humanity,

manity, is not by any means peculiar to the Gentoos ; for it is likewise forbidden, under pain of death, in Deuteronomy, chap. xxiv. “ If a man be found stealing
 “ any of his brethren of the children of Israel, and
 “ maketh merchandize of him, then that thief shall
 “ die, and thou shalt put away evil from among you.”

THIS part of the compilation exhibits a variety of crimes punishable by various modes of capital retribution, contrary to the general opinion adopted in Europe, that the Gentoo administration was wonderfully mild, and averse to the deprivation of life. One cause for this opinion might be, that, since the Tartar empire became absolute in India, the Hindoos, (like the Jews in the captivity), though in some respects permitted to live by their own rules and laws, have, for reasons of government, been in most cases prohibited from dying by them. This chapter, however, displays instances of what might seem unjustifiable severity, did not the Jewish dispensation afford us a number of examples to the same purpose. The ordinance in Moses for stoning a rebellious son, or a girl found not to be a virgin ; Samuel’s hewing Agag to pieces before the Lord in Gilgal ; whole nations cut off at once by unlimited proscription ; David’s harassing his enemies with harrows of iron ; and a thousand other passages of the same tendency, prove, that the laws of most nations of antiquity were written in letters of blood ; and if in England (as it is said) we have near eighty kinds of felonies all liable to capital punishment, the Gentoos need not think their own legislature uncommonly fertile in employments for the executioner.

THE latter part of this section is particularly set apart to treat of thefts committed by the Bramin tribe; and the many dreadful penalties there enjoined leave the delinquents but a slender satisfaction in their exemption from capital punishment: add too, that from these circumstances it may be collected, that this exemption is really founded upon a reverential regard to the sanctity of their function and character, rather than upon the unjust preference of self-interested partiality.

CHAP. XIX. THE nineteenth and twentieth chapters present us a lively picture of Asiatic manners, and in them a strong proof of their own originality. To men of liberal and candid sentiments, neither the grossness of the portrait nor the harshness of the colouring will seem improper or indecent, while they are convinced of the truth of the resemblance; and if this compilation does not exhibit mankind as they might have been, or as they ought to have been, the answer is plain, "Because it paints them as they were." — Vices, as well as fashions, have their spring and their fall, not with individuals only, but in whole nations, where one reigning foible for a while swallows up the rest, and then retires in its turn to make room for the epidemic influence of a newer passion. Wherefore, if any opinions not reconcileable to our modes of thinking, or any crimes not practised, and so not prohibited among us, should occur in these chapters, they must be imputed to the different effects produced on the human mind by a difference of climates, customs, and manners, which will constantly give a particular turn and bias to the national vices. — Hence it would be a weak and frivolous argument for censuring

censuring the fifth section of this nineteenth chapter, to object that it was levelled at an offence absurd in itself, not likely to be frequent, or, supposing it frequent, still to be deemed of trivial consequence ; and to make this objection merely in consideration that the offence may not be usual among us, and has certainly never been forbidden by our legislature, such cavils would betray a great ignorance of the general system of human nature, as well as of the common principles of legislation ; for penal laws (except for the most ordinary crimes) are not enacted until particular instances of offence have pointed out their absolute necessity ; for which reason parricide was not specified among the original institutes of the celebrated lawgiver of Sparta. Hence we may with safety conclude, that the several prohibitions and penalties of this fifth section were subsequent to, and in consequence of the commission of every species of enormity therein described.

IN Asia the indubitable virginity of the bride has ever been a requisite and most necessary condition of a marriage ; and indeed the warmth of constitution in either sex, and the universal jealousy of the men in those climates, give great propriety to the caution ; for in women the first breach of chastity was always esteemed decisive ; and Moses considered the offence in at least as serious a light as the Gentoos have done, since he ordained, that, if the tokens of virginity were not found upon a girl at her marriage, she should be stoned :—a hard fate surely, if we reflect to how many accidents so frail an article is liable, without any intention or fault of its possessor ! And, if a Hindoo's conscience is equally nice with a Jew's upon this point, it cannot be judged extraordinary,

extraordinary, that a particular section of this code should be appropriated to the condemnation of such practices as may violate virginity, and destroy its tokens, even without actual copulation, since the disgrace and other unhappy consequences to the woman are equally inevitable, to what cause soever it be owing that the proofs of her chastity are deficient.

THE best security for female virtue is the total absence of temptation, and consequently, to endeavour to remove the one is a prudent caution for the preservation of the other. We find, therefore, the several modes and gradations of Asiatic gallantry separately forbidden at the beginning of this chapter, which, by slightly punishing the first preparatives and leading steps to an offence, shews a tender concern for the offender's welfare, to whom it thus gives a monitory check at the very commencement of his design, and before the execution of it has subjected him to the extreme rigour of the law.

CHAP. XX. IT may not be improper to mention upon this chapter, that the Bramins who compiled the code were men far advanced in years, as one of them above eighty, and only one under thirty-five, by way of apology for the observations they have selected, and the censures they have passed, upon the conduct and merits of the fair sex. Solomon, however, who probably had as much experience in women as any Pundit in any of the four Jogues, was nearly of the same sentiments, as we may collect from numerous passages in his Proverbs, one of which, in the thirtieth chapter, so exactly corresponds with a sentence in this part of the code, that the one almost seems a literal transcript from the other.

“ There are,” says Solomon, “ three things that are
 “ never satisfied; yea, four things say not, It is enough:
 “ the grave, and the barren womb; the earth that is
 “ not filled with water, and the fire that saith not, It is
 “ enough.”

THE passage in the code will speak for itself;—so striking a resemblance needs neither quotation nor comment:—yet neither the royal author of the Proverbs, nor the composers of the Shasters, are by any means so censorious or so unjust as to deny the possibility of excellence in the female sex, though they allow the instances to be somewhat scarce, and that wives of this quality are only to be obtained by many and great acts of piety, or, as Solomon expresses it, “ A prudent wife
 “ is from the Lord.”

THE many rules laid down in this chapter, for the preservation of domestic authority to the husband, are relics of that characteristic discipline of Asia, which sacred and profane writers testify to have existed from all antiquity; where women have ever been the subjects, not the partners of their lords, confined within the walls of a haram, or busied without doors in drudgeries little becoming their delicacy. The Trojan princesses were employed in washing linen; and Rebecca was first discovered by Abraham’s servant with a pitcher upon her shoulder to water camels. “ Two women shall be grinding at the mill,” says the prophet; but the notoriety of this fact obviates the necessity of quotations: it may just be observed, that Solomon, in praising a good wife, mentions, that “ She rises while
 “ it is yet night,” which we must suppose to be before
 her

her husband ; and we find this to be one of the qualifications for a good Gentoo wife also.

THE latter part of this chapter relates to the extraordinary circumstance of women's burning themselves with their deceased husbands :—The terms of the injunction as there set forth are plain, moderate and conditional : “ It is proper for a woman to burn with her husband's corpse ;” and a proportionate reward is offered in compensation for her sufferings. Notwithstanding the ordinance is not in the absolute style of a command, it is surely sufficiently direct to stand for a religious duty ; the only proof that it is not positive is, the proposal of inviolable chastity as an alternative, though it is not to be taken for an equivalent. The Bramins seem to look upon this sacrifice as one of the first principles of their religion, the cause of which it would hardly be orthodox to investigate. There are, however, several restrictions with respect to it, as that a woman must not burn herself if she is with child, nor if her husband died at a distance from her, unless she can procure his turban and girdle to put on at the pile, with other exceptions of the same nature, which they closely conceal from the eyes of the world, among the other mysteries of their faith : but we are convinced equally by information and experience, that the custom has not for the most part fallen into disuetude in India, as a celebrated writer has supposed.

CHAP. XXI. THE twenty-first chapter comprehends a number of unconnected articles, of which the last section is a kind of peroration to the whole work. But of such parts of these ordinances as relate merely to

the religious opinions of the Hindoos, we certainly are not authorised to judge; they were instituted in conformity to their prejudices; and the consciences of the people, as well as the penalties of the law, enforce their obedience. Hence little observation need be made upon the unaccountable prohibitions of the second section, but that the commission of such ridiculous crimes, for which no possible temptation can be pleaded, may be severely punished, without much danger to the generality of mankind.

THE article of the third section is of a more serious nature, and contains an injunction not unnecessary for the general peace and good order of every community. The vulgar in all nations are tied down to the continual exercise of bodily labour for their own immediate subsistence; and their employments are as incompatible with the leisure requisite for religious speculations, as their ideas are too gross for the comprehension of their subtilty; add to this, that illiterate minds are usually so apt to kindle at the least touch of enthusiastic zeal, as to make their headstrong superstition the most dangerous of all weapons in the hands of a designing partisan: like the *Agni-aster*, it rages with unquenchable violence, and separating into a thousand flames, all equally destructive, subsides not but with the exaltation of a Cromwell, or a massacre of St. Bartholomew. Moses observed a like severity with this code, in prohibiting the rest of the people from any interference with the profession of the priesthood; the ordinance is issued from the mouth of God himself: “Thou shalt
“appoint Aaron and his sons, and they shall wait on
“their

“ their priest’s office, and the stranger that cometh nigh
 “ shall be put to death.”

INDEED the whole office, as well as the sacred pre-eminence of the Braminical tribe, is almost an exact counterpart of that of the Levitical: the Levites were particularly forbidden wine; so are the Bramins: the Levites were more than others enjoined to avoid the contact of all uncleanness; so are the Bramins: the Levites were to assist the magistrate’s judgment in difficult cases; so are the Bramins: and, in every other respect, the resemblance might well authorise a suspicion, that they had originally some remote affinity to each other, though conjecture cannot possibly trace the source of the connection.

THE patience of the public has now been sufficiently exercised and trespassed upon in this essay, which was but designed to obviate some of the most plausible objections, which are likely to be stated against so uncommon a compilation. We have every where produced instances of a similitude between the Mosaical and the Hindoo dispensation, though without attempting to insert the hundredth part of what occurred upon so fruitful a subject.

BUT it is not only to the laws of Moses that this code bears a striking likeness; many other parts of the Holy Scriptures may from hence be elucidated or confirmed: thus in the book of Genesis we find Leban excusing himself for having substituted Leah in the place of Rachel to Jacob, in these words: “ It must not be
 “ so done in our country, to give the youngest
 I “ (daughter)

“ (daughter) before the first-born :” this was long before Moses was born.—So in this compilation it is made criminal for a man to give his younger daughter in marriage before the elder, or for a younger son to marry while his elder brother remains unmarried.

COMPARISONS of this nature will illustrate many doubtful passages, and explain many obsolete customs and usages alluded to throughout the Bible ; so that should no part of these laws be thought worthy of adoption into the system of a British government in Asia, they will yet well deserve the consideration of the politician, the judge, the divine, and the philosopher, as they contain the genuine sentiments of a great and flourishing people, at a time when it was impossible for them to have any connection or communication with the European world, upon subjects in which all mankind have a common interest ; as they abound with maxims of general policy and justice, which no particularity of manners, or diversity of religious opinions can alter ; as they may become useful references for a number of national and local distinctions in our own sacred writings, and as the several powers of the mind, in the gradual progress of civilization, may by judicious comparisons from hence be investigated almost to their first principles.

The end of the TRANSLATOR'S PREFACE.

T R A N S L A T I O N

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RELATION

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PRELIMINARY DISCOURSE.

FROM men of enlightened understandings and sound judgment, who, in their researches after truth, have swept from their hearts the dust of malice and opposition, it is not concealed, that the contrarieties of religion, and diversities of belief, which are causes of envy, and of enmity to the ignorant, are in fact a manifest demonstration of the power of the Supreme Being : for it is evident, that a painter, by sketching a multiplicity of figures, and by arranging a variety of colours, procures a reputation among men ; and a gardener, for planting a diversity of shrubs, and for producing a number of different flowers, gains credit and commendation ; wherefore it is absurdity and ignorance to view, in an inferior light, him who created both the painter and the gardener. The truly intelligent well know, that the differences and varieties of created things are a ray of his glorious essence, and that the contrarieties of constitutions are a type of his wonderful attributes ; whose complete power formed all creatures of the animal, vegetable and material world, from the four elements of fire, water, air and earth, to be an ornament to the magazine of creation ; and whose comprehensive benevolence selected man, the center of knowledge, to have the dominion and authority over the rest ; and, having bestowed, upon this favourite object, judgment and understanding, gave him supremacy over the corners of the world ; and, when he had put into his hand the free control and arbitrary disposal of all affairs, he appointed to each tribe its own faith, and to every sect its own religion ; and having introduced a numerous variety of casts, and a multiplicity of different customs, he views in each particular place the mode of worship respectively appointed to it ; sometimes he

is employed with the attendants upon the Mosque, in counting the sacred beads; sometimes he is in the temple, at the adoration of idols; the intimate of the Mussulman, and the friend of the Hindoo; the companion of the Christian, and the confidant of the Jew. Wherefore men of exalted notions, not being bent upon hatred and opposition, but considering the collected body of creatures as an object of the power of the Almighty, by investigating the contrarieties of sect, and the different customs of religion, have stamped to themselves a lasting reputation upon the page of the world; particularly in the extensive empire of Hindostan, which is a most delightful country, and wherein are collected great numbers of Turks, of Persians, of Tartars, of Scythians, of Europeans, of Armenians, and of Abyssinians. And whereas this kingdom was the long residence of Hindoos, and was governed by many powerful Roys and Rajahs, the Gentoo religion became catholic and universal here; but when it was afterwards ravaged, in several parts, by the armies of Mahomedanism, a change of religion took place, and a contrariety of customs arose, and all affairs were transacted, according to the principles of faith in the conquering party, upon which perpetual oppositions were engendered, and continual differences in the decrees of justice; so that in every place the immediate magistrate decided all causes according to his own religion; and the laws of Mahomed were the standard of judgment for the Hindoos. Hence terror and confusion found a way to all the people, and justice was not impartially administered; wherefore a thought suggested itself to the governor-general, the honourable *Warring Hastings*, to investigate the principles of the Gentoo religion, and to explore the customs of the Hindoos, and to procure a translation of them in the Persian language, that they might become universally known by the perspicuity of that idiom, and that a book might be compiled to preclude all such contradictory decrees in future, and that, by a proper attention to each religion, justice might take place impartially, according to the tenets of every sect. Wherefore Bramins, learned in the Shafter, (whose names are here subjoined), were invited from all parts of the kingdom to Fort-William, in Calcutta, which is the capital of Bengal and

and Bahar, and the most authentic books, both ancient and modern, were collected, and the original text, delivered in the Hindoo language, was faithfully translated by the interpreters into the Persian idiom. They began their work in May, 1773, answering to the month *Jeyt*, 1180, (Bengal style), and finished it by the end of February, 1775, answering to the month *Phaugoon*, 1182, (Bengal style).

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NAMES

N A M E S
OF THE
B R A M I N S.

WHO COMPILED THIS WORK.

Ràm Gopaul Neeàyalunkàr
Beereeshur Punchànun
Kishen Juin Neeàyalunkàr
Bàneeshur Beedyàlungkàr
Kerpà Ràm Terk Siedhaût
Kishen Chund Sàreb Bhoom
Goree Kunt Terk Siedhaût
Kishen Keifub Terkàlungkàr
Seetà Ràm Bhet
Kàlee Sunker Beedyàbàgees
Shàm Sunder Neeày Siedhaût

GLOSSARY

G L O S S A R Y

O F S U C H

Shànskrit, Persian, and Bengal Words,

A S O C C U R I N T H I S

W O R K.

A

<i>ABCOORUN,</i>	Preparation to assault.
<i>Acàrige,</i>	A teacher of the Goiteree.
<i>Adew,</i>	Property that may not be given away.
<i>Adhegeerun Gerrut,</i>	A man who performs service to his relations.
<i>Adbuk,</i>	A small weight or measure.
<i>Affus,</i>	Astringent.
<i>Aghun,</i>	One of the Bengal months, answering to part of November and December.
<i>Abut,</i>	A man pledged for a loan.
<i>Anoo Pàtuk,</i>	Imposture, petty crimes.
<i>Antee Bàsbee,</i>	An apprentice.
<i>Apàteree Kurrut,</i>	A species of trifling offences.
<i>Ardee Kheel,</i>	Land half waste.
<i>Arsh,</i>	One of the five superior modes of marriage.
<i>Arteb Bherut,</i>	A servant for pecuniary wages
<i>Arzàl,</i>	An inferior tribe of the Hindoos.
<i>Arzeez,</i>	Tin.
<i>Asbnàw,</i>	Purification by bathing.
<i>Asbore,</i>	One of the three inferior modes of marriage.
	<i>Asbrusie,</i>

<i>Asbrufie,</i>	The most valuable gold coin.
<i>Asbummeed Jugg,</i>	A religious ceremony, in which a horse is let loose, with certain Hindoo texts written upon him.
<i>Asbwàmee Peikeree,</i>	One who disposes of another person's property without a right so to do.
<i>Assen,</i>	One of the Bengal months, answering to part of September and October.
<i>Atee Pàtuk,</i>	Incest.
<i>Ayàmmi Shàdee,</i>	A number of festival days on a marriage.

B

<i>Bàn Perùst,</i>	A hermit.
<i>Bàzàr,</i>	A market.
<i>Beejesbuktà,</i>	A public or common bull.
<i>Beekreet,</i>	A man who voluntarily sells his own liberty.
<i>Beenà,</i>	A species of long grass.
<i>Beet,</i>	A species of prickly grass.
<i>Beheerreh,</i>	An astringent drug.
<i>Beid,</i>	The most ancient and venerable of the Gentoo scriptures. There are four <i>Beids</i> , the <i>Rug Beid</i> , the <i>Huchur Beid</i> , the <i>Sam Beid</i> , and the <i>Ahtrebun Beid</i> .
<i>Beopàry,</i>	A travelling merchant, or pedlar, who carries his goods upon bullocks.
<i>Beràmeb,</i>	One of the five superior modes of marriage.
<i>Beràyut,</i>	A Bramin's son who is a minor.
<i>Berbàkrut,</i>	A man become a slave for the sake of a female slave.
<i>Bereesocherg,</i>	A consecrated bull suffered to go loose.
<i>Berenge-àrook,</i>	Rice cleaned without boiling.
<i>Berhemchàrry,</i>	A man who has studied divinity twelve years.
<i>Bhàdun,</i>	One of the Bengal months, answering to part of August and September.
<i>Bhekut,</i>	A slave for a livelihood.
<i>Bheroàh,</i>	A pimp or attendant upon dancing women.

<i>Bhertuk,</i>	A servant.
<i>Bhook Bherut,</i>	A man who serves for his subsistence.
<i>Bhook Làbbeh,</i>	Interest produced by usufruct of any articles pledged.
<i>Bice,</i>	The third original Gentoo tribe.
<i>Bramin,</i>	The first original tribe of Gentoos.
<i>Bubhàr,</i>	Justice.
<i>Bundàreh,</i>	Magazines and other offices for the magistrate.
<i>Bundhoo,</i>	A bank.
<i>Burmàh,</i>	The secondary Deity, and immediate Creator of all things.
<i>Burrun,</i>	The peculiar mode or constitutive particularity of each tribe.
<i>Burrun Sunker,</i>	The general denomination of all tribes, produced by the intermixture of two different tribes.
<i>Burrut,</i>	A religious foundation.
<i>Butkàràh,</i>	A weight of stone.

C

<i>Cahawun,</i>	A measure of cowries, being sixteen pun.
<i>Chàt-her,</i>	An umbrella.
<i>Chehteree,</i>	The second original Gentoo tribe.
<i>Chendàl,</i>	A mean tribe of Gentoos.
<i>Cheyte,</i>	One of the Bengal months, answering to part of March and April.
<i>Chickerberdehee,</i>	Compound interest.
<i>Chokey,</i>	A toll gate.
<i>Chokeydàr,</i>	A watchman or guard; sometimes a toll-gatherer.
<i>Choperbàzee,</i>	A game of hazard, played with three oblong dice.
<i>Chukreh,</i>	A small carriage for burdens, a cart.
<i>Coin,</i>	As gold coin, &c. is here meant for a small grain, or bead of gold current in the country, whereof eight make one <i>masbeh,</i>

it is called *Surkh* in Persian, and *Ruttee* in Bengal.

<i>Cooly,</i>	A common porter or carrier of burdens.
<i>Cose,</i>	A measure of two miles nearly.
<i>Cossid,</i>	A messenger or postman.
<i>Cutcherry,</i>	A court of justice.

D

<i>Dàie,</i>	Inheritable property.
<i>Dàm,</i>	A small coin.
<i>Dàn,</i>	A religious ceremony.
<i>Dayàvaupàkut,</i>	A slave by long descent.
<i>Daye Bhàg,</i>	Inheritable property.
<i>Deep,</i>	The world, of which they reckon seven:
<i>Jumboo Deep,</i>	the Hindoos say, that this habitable
<i>Pulkhoo Deep,</i>	world, or <i>Deep</i> , is surrounded on every
<i>Shoolmeloo Deep,</i>	side by the <i>Sumooder</i> , or main ocean, to
<i>Koosbud Deep,</i>	the breadth of four hundred thousand
<i>Keroonchud Deep,</i>	<i>cose</i> ; after which commences the second
<i>Shàkud Deep,</i>	<i>Deep</i> , and so in order.
<i>Poosbkerud Deep.</i>	
<i>Deeyb,</i>	One of the five superior modes of marriage.
<i>Deiool,</i>	A mean and adventitious tribe among the Gentoos.
<i>Derbàn,</i>	A porter or doorkeeper.
<i>Deroon,</i>	A weight or measure.
<i>Deu,</i>	Property which it is lawful to alienate.
<i>Dewtah,</i>	That deity to whom prayers are to be of- fered.
<i>Doll,</i>	Any pulse broken.
<i>Doob,</i>	Fine grass.
<i>Doot,</i>	An agent or <i>Hircarrak</i> .
<i>Dofs,</i>	A slave.
<i>Dote,</i>	All games of hazard.
<i>Duchneh,</i>	Certain fees paid to a Bramin for perform- ing worship for any person.
<i>Dumr Pàrish,</i>	Affault.

Dutt,

Dutt, Gifts unapproved, or which may be taken back.

Duttà, Things given away, which may not be taken back.

E

Eenàkàl Behrut, A slave whose life has been saved in famine.

Enàbut, A second depofite of articles deposited in trust to any person.

F

Fateheb Buzurgwar, An offering made for the souls of deceased ancestors.

G

Gânsee Fikkheb, A consumption, or spitting of blood and phlegm.

Gehennum, Hell.

Gerbejàt, A child born to a master, by a female slave.

Ghee, Clarified butter.

Gheerus, A voluntary slave for a certain time.

Gherbut, A city of the smallest size.

Ghurrie, A measure of time comprehending twenty-four minutes.

Goiteree, A Gentoo incantation.

Gomastah, An agent.

Gràm, Is a word used by the English for a kind of tare; in the Bengal language, it means a village.

Gundàe, Four cowries,

H

Hackery, An Indian carriage.

Hàràrn, A feràglìo.

<i>Haut,</i>	A weekly market for various goods.
<i>Hejamut,</i>	The profession of barber, which consists in shaving, paring the nails, &c.
<i>Hircarrab,</i>	A spy or messenger.
<i>Howàleh,</i>	A deposit of property in full confidence.
<i>Hurreh,</i>	An astringent drug.

I

<i>Jatee Bherun Kusbker</i>	A species of petty offences.
<i>Jee Potr,</i>	A statement and decree.
<i>Jeyt,</i>	A Bengal month, answering to part of May and June.
<i>Ihtimamdâr,</i>	A superintendent, or lieutenant-governor.
<i>Inderjò,</i>	A drug of no estimation, that grows wild in the woods.
<i>Joodch Perràput,</i>	A slave taken in war.
<i>Joojun,</i>	A measure of four <i>cofe</i> .
<i>Jootese,</i>	The book of Gentoo astronomy.
<i>Isrum,</i>	Orders or ranks of men.
<i>Jugg,</i>	A religious ceremony.
<i>Jungle,</i>	Lands wholly uncultivated.

K

<i>Kandebrub,</i>	One of the five superior modes of marriage.
<i>Kártee-au,</i>	A voluntary offer of increase of interest.
<i>Kàseh,</i>	A mixture of tin and copper.
<i>Kau-ee-kau,</i>	Interest paid yearly.
<i>Kauleekau,</i>	Interest paid monthly.
<i>Keereeut,</i>	A purchased slave.
<i>Keheet Derßen,</i>	Affault and bloodshed.
<i>Kehtà,</i>	A son of a <i>Sooder</i> begotten upon a <i>Chebtetee</i> .
<i>Keroor,</i>	A fabulous bird.
<i>Kheel,</i>	Waste land.
<i>Kheet,</i>	A city of the second size.
<i>Khieu,</i>	A bridge.
<i>Kombel,</i>	A large weight or measure.

Koodup,

<i>Koodup,</i>	A smaller weight or measure.
<i>Kooloo,</i>	The cocoa tree.
<i>Koonchy,</i>	A smaller weight or measure.
<i>Koosm,</i>	A sort of flowers used in dying.
<i>Kose,</i>	A species of herb or grass.
<i>Kunjud,</i>	Rape seed.
<i>Kureelah,</i>	A small vegetable of a very bitter taste.

L

<i>Leekbuk,</i>	A secretary or writer.
<i>Lubdehee,</i>	A slave found by accident.
<i>Lut,</i>	A creeping tree; also the name of a bird.
<i>Luttà,</i>	The name of a large tree.

M

<i>Mâasifer,</i>	A species of flowers used in dying.
<i>Màhà Pàtuk,</i>	Murder and other heinous crimes.
<i>Màsbeh of silver,</i>	$\frac{1}{10}$ of a silver rupee.
<i>Màsbeh of gold,</i>	$\frac{1}{12}$ of an <i>asbrufie</i> .
<i>Meet-hul,</i>	An inhabitant of <i>Methilla</i> , a famous town for <i>Bramins</i> of learning, in the west, near the <i>Souhab</i> of <i>Oude</i> , about fifteen days journey from <i>Benares</i> .
<i>Melàbbhoo,</i>	A species of lesser offences.
<i>Mookhud,</i>	A debtor who has given himself up as slave to his creditor.
<i>Moonshi,</i>	A writer or secretary.
<i>Muluch,</i>	The general name for tribes who have no prohibition with respect to food.
<i>Muntur,</i>	A text of the <i>Shaster</i> .
<i>Musnud,</i>	A throne, or seat of dignity.
<i>Mut-hootr,</i>	A denial.

N

<i>Nandee Mookheb,</i>	A ceremony preparative to a marriage.
<i>Needsh,</i>	A depofite to prevent the feizure of effects.
<i>Needee,</i>	To find any loft article.
<i>Neekheep,</i>	A depofite in confidence.
<i>Neemtuk-kerm,</i>	Occafional worship for holidays.
<i>Neebungpat,</i>	Affault without bloodfhed.
<i>Nigher,</i>	A large city.
<i>Nullah,</i>	A brook.
<i>Nut-kerm,</i>	Daily worship.

O

<i>Opookut,</i>	A voluntary flave.
<i>Opoo-pàtuk,</i>	Small offences.
<i>Oulàh,</i>	A drug, which, when beaten up with oil, is ufed as an ointment for the hair, by the vulgar women in Bengal.

P

<i>Paan,</i>	The beetle plant.
<i>Paddee,</i>	Rice unprepared.
<i>Pak-pàrifh,</i>	False accusation.
<i>Pauf,</i>	$\frac{1}{4}$ of a day, or fix hours.
<i>Peepul,</i>	A bitter drug.
<i>Pehteek,</i>	A white ftone, cryftal.
<i>Peiàdàc,</i>	A guard to accompany a prifoner at large.
<i>Peifhàch,</i>	One of the three inferior modes of marriage.
<i>Peràjàput,</i>	One of the five fuperior modes of marriage.
<i>Peràfhchut,</i>	Expiation, recovery.
<i>Perberjà-befheet,</i>	A <i>Sinaffee</i> made a flave for apoftacy.
<i>Perkernukkà,</i>	A fpecies of petty offences.
<i>Perrànek, Neeày,</i>	Appeal to a former decifion.
<i>Pertuhbifh Gunden,</i>	Acknowledgment of a claim, without ability to pay it.

Perùft,

<i>Perust,</i>	A small weight or measure.
<i>Phaugoon,</i>	One of the Bengal months, answering to part of February and March.
<i>Pluss,</i>	The name of a tree.
<i>Poojeh,</i>	Worship.
<i>Poojeh Serabuttee,</i>	Worship to <i>Sherabuttee</i> , who is the goddess of letters.
<i>Pooran,</i>	One of the Gentoo scriptures upon history.
<i>Poohtee-kerm,</i>	Prayers for health and prosperity.
<i>Poohtech-bundee,</i>	Embankments of rivers.
<i>Pooskul,</i>	A small weight or measure.
<i>Pootee,</i>	A book, or compilation.
<i>Pul,</i>	A small weight or measure.
<i>Pun,</i>	Twenty <i>gundaes</i> of <i>cowries</i> .
<i>Pundit,</i>	A learned <i>Bramin</i> .
<i>Punjeet,</i>	A slave who has lost his liberty, as a stake at some game.
<i>Puntubbee-baden,</i>	A salute or reverence paid by a bride to the bridegroom.
<i>Purrickhay,</i>	Affay of metals.
<i>Purrikeh,</i>	Trial by ordeal.

R

<i>Rajah,</i>	A <i>Hindoo</i> prince or monarch.
<i>Rakhus,</i>	One of the three inferior modes of marriage.
<i>Roy,</i>	A <i>Hindoo</i> prince.
<i>Rozidus-hareh,</i>	Certain holidays in the month <i>Assen</i> , in which period the pompous worship and burial of the <i>Hindoo</i> deities are celebrated.
<i>Ryot,</i>	A tenant, a subject.

S

<i>Sadbeh,</i>	Certain food and treatment for women in the last state of pregnancy.
<i>Sagh,</i>	Vegetables, greens.

Santee-

<i>Sàntee-kerm,</i>	Extraordinary prayers upon any calamity.
<i>Saul,</i>	A large timber tree.
<i>Seboos,</i>	Bran.
<i>Seekhauberdehee,</i>	Interest to be paid daily.
<i>Seemul,</i>	A species of cotton.
<i>Sejjah,</i>	A fenced terras.
<i>Ser,</i>	An herb.
<i>Seràdeh,</i>	Feasts in honour of the dead.
<i>Seràdeh Amàwus,</i>	A festival at the end of every month.
<i>Seràdeh aperpukh,</i>	A preparatory festival to the <i>Rozidus-hàreb</i> .
<i>Seràdeh Buzurgwàr,</i>	A festival of deceased ancestors.
<i>Seràdeh-nowànn,</i>	An offering made once a-year in the month <i>Aghun.</i>
<i>Serwuttee,</i>	A <i>Bramin</i> learned in the <i>Beids</i> .
<i>Sesàmum,</i>	Mustard.
<i>Sewàrree,</i>	All necessary travelling equipage, the suit of a person of distinction, &c.
<i>Shàghur,</i>	A deity of the Gentoos.
<i>Shàhesb,</i>	Violence.
<i>Shàit,</i>	Bridges or embankments of rivers.
<i>Shàllee,</i>	Rice unprepared; the same as <i>paddce</i> .
<i>Shànscri,</i>	The language of the Gentoo scriptures.
<i>Shaster,</i>	The Gentoo scriptures in general.
<i>Shebbi Deijore,</i>	Nights whereon the moon does not appear.
<i>Shebbi Tareckee,</i>	The same as <i>Shebbi Deijore</i> .
<i>Sheertee,</i>	A certain part of the Gentoo scriptures, containing the legislation of the <i>Hindoos</i> .
<i>Shemàbhee,</i>	Games of fighting animals, &c.
<i>Shepàk,</i>	A son of a <i>Kebta</i> and a <i>Wokree</i> .
<i>Shish,</i>	A student in divinity and science.
<i>Shumpertee-putt,</i>	Confession, acknowledgment.
<i>Shunkeree-kurrun,</i>	A species of petty crimes.
<i>Sinasse,</i>	A <i>Bramin</i> under vows of pilgrimage.
<i>Sooder,</i>	The fourth or lowest original tribe of Gen- toos.
<i>Sooràdhuch,</i>	A mark of infamy, to be branded in the forehead of a <i>Bramin</i> , for drinking wine.

Sumooder,

<i>Sumooder,</i>	The sea or main ocean.
<i>Sungfersut-beh,</i>	The connection of a family formed after the first separation.
<i>Sunkha,</i>	A sea shell, commonly called <i>Chank</i> .
<i>Sunnud,</i>	A title-deed, a grant.

T

<i>Tàgur,</i>	The domestic idol of Gentoo adoration.
<i>Terkarree,</i>	The species of gourds.
<i>Tokerie,</i>	A basket.
<i>Tolecheh,</i>	A weight, containing ten <i>màsbehs</i> of silver. and twelve of gold.
<i>Túrb,</i>	Radishes.
<i>Turreh,</i>	Vegetables.
<i>Tyer,</i>	Sour cream.

V

<i>Vakeel,</i>	An attorney, or agent.
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W

<i>Wokree,</i>	The daughter of a <i>Chehteree</i> , begotten upon a <i>Sooder</i> woman.
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Z

<i>Zecàrut,</i>	A consecrated spot of ground.
<i>Zukkoom,</i>	The name of a tree.

N A M E S

O F T H E

H I N D O O M O N T H S,

W I T H T H E

Corresponding DATES in the ENGLISH MONTHS, for
the BENGAL Year 1181, or the ENGLISH Year
1774, and part of 1775.

<i>Byśâac</i>	begins the 11th April, 1774.
<i>Jeyt</i>	12th May.
<i>Aśār</i>	12th June.
<i>Sâwun</i>	14th July.
<i>Bhâdun</i>	14th August.
<i>Aśen</i>	14th September.
<i>Câutic</i>	15th October.
<i>Aghun</i>	14th November.
<i>Poos</i>	13th December.
<i>Maug</i>	11th January, 1775.
<i>Phaùgoon</i>	10th February.
<i>Gheyt</i>	12th March, ending the 30th with the 10th April.

NAMES OF AUTHORS,

QUOTED in this COMPILATION.

Beebà-dur Tunnàgurkàr
 Bheb-deeb Bhèt
 Chendeefur
 Gerheifur
 Gobind Ràje
 Helàyoodèh
 Hurree Hur
 Jeimoot Bàhun
 Jògue Lògue
 Kulp-teroo
 Lukkee Deher
 Meidhab-teetee
 Pàcheshputte Mifr
 Pàlook
 Pàreejaut
 Perkàshkàr
 Phàkooree
 Sewàrtèh Behtàchàrige
 Shertee Shàr
 Sirree Kishen Terkàlungkàr
 Sirree Kerràchàrige
 Sool Pânee

A LIST OF THE BOOKS

From whence this POOTEE was compiled, ranked in the order of their several dates, as nearly as could be ascertained.

Munnoo,

Written by *Munnoo*.—A general treatise.

Jaikè-bulk,

Written by *Jaikè-bulk*.—A general treatise.

Kirtè Kulp-teroo,

Written by *Lukkee Deher*.—A general treatise.

Pàreejat,

Written by *Muddun Pàreejat*.—A general treatise.

Bebadrutnàkur,

Written by *Chendeesur*.—A general treatise.

Bebàd Chentàmunnee,

Written by *Pàchesbputtee Misr*.—A general treatise.

Neet Chentàmunnee,

Written by *Pàchesbputtee Misr*.—Upon the duties of the magistrate.

Dherum Rutten,

Written by *Jeimoot Bahun*.—Upon inheritable property.

Bubhàr Màtereeekà,

Written by *Jeimoot Bahun*.—Upon justice.

Bubhàr-teilook,

Written by *Bheb-deeb Bhet*.—upon justice.

Deep

Deep Kateekau,

Written by *Sool Pânee*.—A general treatise.

Munnoo-teekà,

Written by *Moolook Bhet*.—A general treatise.

Daie-tutt Unt,

Written by *Achârige Chooràmunnée*.—Upon inheritable property.

Jaike-bulkè-teekà,

Written by *Beishroop*.—A general treatise.

Peràshchut Bebeik,

Written by *Sool Pânee*.—Upon retaliation.

Mirtekherà,

Written by *Mirtekherà Kar*.—A general treatise.

Daie Tutt,

Written by *Sewàrteh Behtàchàrige*.—Upon inheritable property.

Bubhàr Tutt,

Written by *Sewàrteh Behtàchàrige*.—Upon justice.

Dàyàdhè-kàree-kerm Shungeràh,

Written by *Sirree Kisben Terkàlungkàr*.—Upon inheritable property.

Dherum Rutten-teekà,

Written by *Sirree Kisben Terkàlungkàr*.—Upon inheritable property.

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- Sect. II. Of pledges.
- Sect. III. Of securities.
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- Sect. V. Of the method of recovering debts.

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- Sect. II. Of dividing the property of a Berhemchàrry, a Sinassée, and a Bânperùst.
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- Sect. IV. Of the inheritance of a woman's property.
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- Sect. XI. Of a father's dividing among his sons the property left by his father and grandfather.
- Sect. XII. Of sons dividing the property left by their father.
- Sect. XIII. Of dividing the joint stock of persons, who agree to live together, after original dispersion and separation of the family.
- Sect. XIV. Of a partner's receiving his share of the joint stock, after a long space of time hath elapsed; also of the inheritance of the sons of a woman of the Sooder cast, by two different husbands; and also of adopted sons.
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- Sect. III. Of not apprehending an accused party.
- Sect. IV. Of giving an immediate answer to a complaint.
- Sect. V. Of plea and answer.
- Sect. VI. Of two sorts of answers, proper and improper.
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P R E F A C E.

ACCOUNT OF THE CREATION.

THE Principle of truth, having first formed the earth, and the heavens, and the water, and the fire and the air, produced a being called *Burmbà*, the *Dewtàh*, for the creation of all beings, (*Dewtàh*, is that to which all offer their worship), afterwards he created the *Bramin* from his mouth, the *Chehteree* from his arms, the *Bice* from his thighs, and *Sooder* from his feet; and he ordered *Burmbà* to complete the other creations, and to settle the several employments respectively of the *Bramin*, the *Chehteree*, the *Bice*, and the *Sooder*, that he had created; and he committed the government of all beings to *Burmbà*.—*Burmbà*, according to order, produced in the world mankind, and beasts innumerable, and birds, and vegetables, and all inanimate things, and serpents of all kinds and varieties, and piety, and morality, and justice, and continence, and lust, and anger, and avarice, and folly, and arrogance, and drunkenness. And whereas the *Bramin* proceeded from the mouth of the Principle of truth, for this reason his rank is the most eminent; the *Chehteree* sprung from his arms, his rank therefore is second; the origin of the *Bice* is from the thighs, and his rank is the third in eminence, and the *Sooder*, who sprung from the feet, is therefore the least in degree of them all. *Burmbà* first settled the occupation of each of these four tribes; as that the occupation of the *Bramin* should be to read the *Beids*, and other *Shaster*, and to teach the *Shaster*, and to perform the *Jugg* and worship; and to cause the performance of the *Pozjeh*, i. e. the worship to *Dewtàh*, and of the *Jugg* by others; and to perform and accept the *Dàn*, (an explanation of the terms *Jugg* and *Dàn* is to be found in the chapter of *Inheritable Property*): among these occupations already described,

three are for their subsistence and support; and three for the exercise of piety; as for instance, to cause the performance of the *Poojeh* and *Jugg* of others; and to instruct pupils, from whom some premium is received; and to accept the *Dàn*: these three occupations are to be the source of subsistence to the *Bramin*; and the other three occupations are for the exercise of his piety. The occupations of the *Chehteree* are to learn the sciences, to perform the *Poojeh* and *Jugg*, to perform the *Dàn*, and, arming himself with the implements of war, to defend and secure the *Reyots*; and for his subsistence, the *Chehteree* shall serve in the defence of the *Reyots*: the other three occupations are for exercises of piety to the *Chehteree*. To the *Bice* also it was enjoined to learn the sciences, and to perform the *Dàn* and the *Jugg*; and besides this, to him was permitted commerce, and the tending of cattle, and agriculture; the acquisition of science, and the performance of the *Dàn* and *Jugg*, are for the advancement of his eternal happiness; and commerce, and the tending of cattle and agriculture, are for his livelihood. The tribe of *Sooder* shall be servants to the *Bramin*, the *Chehteree*, and the *Bice*.

IF a *Bramin* cannot procure a subsistence by the exercise of his own appointed occupations, he shall earn a livelihood by applying to the occupations of the *Chehteree*: if also he fails to acquire a subsistence from the occupations of the *Chehteree*, he shall exercise those of the *Bice*; but of those occupations, he shall first apply to the tending of cattle, and to commerce; if from those also he cannot earn his support, he shall then betake himself to agriculture. If a *Bramin* applies himself to commerce, he shall not sell either salt, or any articles of sweet, or of bitter, or of astringent, or of acid, or victuals, or stones, or iron, or animals, or men, or red cotton cloth, or silk pieces, or blankets, or other species of the same kind made of sheeps wool; or camphire and other aromatics, or honey, or water, or poison, or flesh, or milk, or *tyer* (sour cream), or *ghee*, or bitter oil, or *sesamum*, or the grass *kofo*, (which is a particular species of grass), or birds, or wine, or fish, or wax; but the *sesamum*, if it be produced in land belonging to the *Bramin*, he may sell on the same

same day that it is cleared from the husk. The *Chehteree*, if he cannot subsist by his own proper occupations, shall exercise those of the *Bice*; and if the *Bice* fails of a subsistence from his occupations, he shall apply to those of the *Sooder*; and if the *Sooder* fails of a livelihood, he shall apply to painting, or to needle-work, or some other such employment: in this manner are their several occupations divided and distinguished from each other.—For some period after the creation of the world, there was neither magistrate nor punishment; and no man committed crimes, or exercised injustice and oppression upon his fellow creatures; and the *Reyots* were nourished with piety and morality; but, in process of time, lust, and anger, and avarice, and folly, and arrogance, and drunkenness, became so predominant over the several members of men, that withholding them from actions of piety, they became the guides to all wickedness; and men employed themselves in all occupations of debauchery and iniquity, and assumed the licentiousness of eating things forbidden them to eat, and of uttering words forbidden them to utter; no man regulated his actions in conformity to the *Beids*, nor walked in any path but that of sin. When such iniquities first began in the world, *Burmbà* having reflected within himself, and having written in the *Shaster* the means for the improvement of mankind, and the business of the magistrate, and the several duties of the *Bramin*, the *Chehteree*, the *Bice*, and the *Sooder*, and the proportions of punishment to be inflicted on offenders by the magistrate, and all other affairs and concerns, issued his command to a man named *Beiroojá*, a *Chehteree*, to assume the magistracy, and to protect the *Reyots*, and to punish the guilty, according to the ordinations of the *Shaster*, to the end that men might not have the power of committing injustice and violence upon each other. *Beiroojá*, not consenting to accept the magistracy, left his son *Keiroot-màn*, and himself fled into the deserts, to pay his adorations to the Principle of truth: in the same manner also *Keiroot-màn* left his own son, by name *Kerdum*, and himself took the path of adoration; *Kerdum* also, leaving his own son, by name *Anung*, hastened to the way of truth; *Anung*, the son of *Kerdum*, becoming the magistrate, for some time regulated his actions in conformity to the *Shaster*:
after

after which *Neit-màn* his son took upon him the magistracy and the government; a son was born to *Neit-màn*, by name *Bein*, in whom every sign of an inhuman disposition plainly appeared; as for instance, during his childhood, at the time of play, he would bind the children hand and foot, and throw them into deep rivers, and would break men's pitchers, and employ himself in all such kinds of foolish and unworthy occupations; the *Reyots* of the kingdom, desponding under his injustice and oppression, came before his father, who was the magistrate, and solicited redress; the father, on hearing this account of the eternal injustice and perpetual innovations of his son, and not being able to restrain him, departed into the desert: the kingdom being thus left without a magistrate, the *Bramins* constituted *Bein* to the magistracy: this unworthy person, thus becoming the magistrate, issued a proclamation throughout his kingdom, that no man should perform the *Jugg*, or the *Poojeh*, or any such works of piety; and that whoever executed justice should receive severe punishment: upon this intelligence the *Bramins* went to him, and gave him many sermons of advice, and many lectures of admonition, telling him, “ that the duty
 “ of a magistrate was to cause exercises of piety to be performed
 “ throughout his kingdom; and that he who caused any obstruc-
 “ tion or opposition to good works would go to *Gehennum*;
 “ and that if the magistrate did not protect and comfort the
 “ *Reyots*, it would be the cause of his kingdom's destruction.
 “ If the magistrate deserts the exercise of piety, how can it be,
 “ that the *Reyots* should employ themselves in good actions?
 “ In that case, men will take the possessions and wives of each
 “ other. A kingdom with an unjust magistrate, and a king-
 “ dom without a magistrate, are similar to each other; and a
 “ kingdom where works of iniquity are practised, and where
 “ the *Poojeh* and worship are not performed, such a kingdom is
 “ as if it were without a magistrate; as for instance, a man of
 “ the *Chehteree* cast commits adultery with a woman of the
 “ *Bramin* cast, and a *Bramin* with a woman of the *Chehteree*;
 “ and in the same manner all the casts unite with each other
 “ promiscuously; and from the conjunction of two different
 “ casts proceeds the tribe of *Burren Sunker*; and that there
 “ should

“ should be a *Burrun Sunker* is criminal ; it is better therefore
 “ to desist from these impious practices.” *Bein* answered,
 “ These your admonitions are not profitable for me, neither do
 “ I approve of these speeches ; let us see, since the tribe of
 “ *Burrun Sunker* is produced, what its religion and manners
 “ must be.” The *Bramins* afflicted and disgusted departed to
 their own habitations ; and that oppressive magistrate, send-
 ing for a woman of the *Bramin* cast, had carnal connection
 with her, and from thence a son was born ; and in the same
 manner, from the conjunction of men of one tribe with wo-
 men of a different tribe, many sons and many daughters came
 into existence ; and from the connection of a man of the *Bice*
 with a woman of the *Sooder* cast, the child that was born, his
 tribe is called *Kerrum* or *Koit* ; and from a man of the *Bramin*
 and a woman of the *Bice* cast sprung the tribe of *Ambusht* or
Bade, and *Kundeh-beneik* or druggists, and the tribe of *Kunkar*
 or artificers in *Kàseh*, and *Kàseh* is a mixture of copper and
arzeez ; and the tribe of *Sunkàbkar*, or artificers in *Sunkàh* (or
 sea shells), and the women, wore *Sunkàh* upon their hands ; these
 four tribes were produced : and from a man of the *Chehteree*
 and a woman of the *Sooder* cast sprung the tribe of *Okeree*, and
 the tribe of *Hejam* (barbers), and the tribe of *Moduck*, i. e. sel-
 lers of candy, were derived ; and from a man of the *Sooder* and
 a woman of the *Chehteree* cast sprung the tribe of *Koinbekkar*,
 i. e. *Kelal* or potters, and the tribe of *Tunterbà*, i. e. weavers,
 and the tribe of *Ghermkàr*, i. e. smiths, and the tribe of *Dost* ;
 and from a man of the *Bice* and a woman of the *Chehteree* cast
 are derived the tribe of *Màgdeh*, i. e. fortune-tellers, and the
 tribe of *Koop* ; and from a man of the *Bramin* and a woman of
 the *Sooder* cast is sprung the tribe of *Barjeebee*, i. e. *Berree* ; and
 from a man of the *Chehteree* and a woman of the *Bramin* cast
 the tribe of *Soot* and *Màlakàr*, i. e. sellers of flowers ; and
 from a man of the *Bice* and a woman of the *Sooder* cast
 sprung the tribe of *Tawleek* or *Tillee*, and *Tumboolee* (pan-sel-
 lers). These tribes are of the first rank among the tribes of
 the *Burrun Sunker*.

FROM a man of the *Kerrun* and a woman of the *Bice* cast sprung the tribe of *Tukkebyah*, *i. e.* carpenters, and the tribe of *Rujuk*, or washers; and from a man of the *Ambusht* and a woman of the *Bice* cast the tribes of *Sherrunkar*, or goldsmiths, and of *Shoberun-beneik*, or *Soonar Buneeah*; and from a man of the *Koop* and a woman of the *Bice* cast were derived the tribes of *Teilkàr*, *i. e.* sellers of oil, and of *Abheir*; and from a man of the *Koop* and a woman of the *Sooder* cast sprung the tribe of *Dheiber* or *Julyá*, and the tribe of *Shoondruk* or *Soon-drie*; and from a man of the *Màlùkàr* and a woman of the *Sooder* cast sprung the tribe of *Natt*, or dancers, and the tribe of *Shàruk*; and from a man of the *Màgdeh* and a woman of the *Sooder* cast arose the tribes of *Seeker* and *Jaleik*. These tribes bear the middle rank of the tribes of the *Burrun Sunker*.

FROM a man of the goldsmith and a woman of the *Ambusht* cast sprung the tribe of *Mulukerrhee*; and from a man of the *Shoberun-beneik* and a woman of the *Bade* cast sprung the tribe of *Koorooba*; and from a man of the *Sooder* and a woman of the *Bramin* cast was derived the tribe of *Chendal*; and from a man of the *Abheir* and a woman of the *Koop* cast sprung the tribe of *Beroor*; and from a man of the *Abheir* and a woman of the *Bice* cast was propagated the tribe of *Tukkeh* and *Chermkàr*, *i. e.* shoemakers; and from a man of the *Rujuk* and a woman of the *Bice* cast sprung the tribe of *Keht Jeibenea*, *i. e.* the tribe of *Putnee*; and from a man of the cast of oil-seller and a woman of the *Bice* cast came the tribe of *Doolà-babee*; and from a man of the *Dheiber* and a woman of the *Sooder* cast arose the tribe of *Mull*. These tribes are of the last rank among the tribes of the *Burrun Sunker*.

Keroor is the name of a bird. *Keroor*, having brought a man from *Shàkud Deep*, cast him down upon *Jumboo Deep*, *i. e.* this world; that tribe is called *Deiool*; and there are seven *Deeps*, *viz.*

Jumboo Deep,
Pulkhoo Deep,

Shoolmeloo Deep,
Koosbud Deep,
Keroonchud Deep,
Shàkud Deep,
Poosbkerud Deep.

THE explanation of *Deep* is this: *Deep* signifies land; and on every side of each *Deep* is the *Sumooder*, or main ocean; and the length and breadth of this *Deep*, which is called *Jumboo*, is one hundred thousand of *Joojun*, or four hundred thousand *Cose*; and the length and breadth of the second *Deep* is twice as much as that of this *Deep*; and that of the third *Deep* four times as much; and that of the fourth eight times as much; and that of the fifth sixteen times as much; and that of the sixth thirty-two times as much; and that of the seventh sixty-four times as much. And from a man of the *Deiool* and a woman of the *Bice* cast was derived the tribe of *Gung* or astronomers, and the tribe of *Bàduk*, i. e. the tribe of *Báitee*, and the tribe of *Poolund*, and the tribe of *Powukkush*, and the tribe of *Kehsh*, and the tribe of *Jebun*, and the tribe of *Shookeb*, and such kind of tribes, called *Muluch*: *Muluch* are such tribes as eat forbidden food, and to whom permitted and forbidden meats are equal; these sprung from the members of the tyrannic *Bein*.

THE *Bramins*, upon intelligence of all this, execrating the oppressive magistrate with internal hatred, put him to death: when the kingdom was thus without a magistrate, the *Bramins* rubbed his two hands, and from his right hand produced a son, by name *Pert-hoo*, armed and dressed in the arms and habiliments of war, and well skilled in the science of war, and a *Pundit* in the *Shaster*, and in form and shape like to the *Derw-tah*; and from his left hand they raised a daughter, and this daughter they married to *Pert-hoo*, and raised him to the magistracy, and *Pert-hoo* was very just, and protected his subjects, and carested the peaceable and punished the oppressive, and behaved with respect and regard towards the *Bramins*, and employed himself laudably in all such kind of good actions, in conformity to the *Shaster*: then all the people, both great and mean,

mean, were employed in works of piety, and the kingdom enjoyed comfort and tranquillity. The *Bramins*, having expressed their praises and approbation, took their leave. *Pert-hoo*, fulfilling the offices of fidelity and good intention, governed the kingdom with justice and equity; but his mind remained embarrassed and uneasy; wherefore he summoned the *Bramins*, and inquired of them, saying, “I exercise the magistracy, and
 “ protect the *Reyots*, according to the *Shaster*; tell me, therefore, what is the cause that my mind is disturbed, and why
 “ are the *Reyots* of the kingdom in poverty?” The *Bramins* answered, “Your father carried injustice and works of iniquity to the last extremity; insomuch that the tribes of *Burrun Sunker* originate from him: and whereas he would listen to none of the cautions that were given him, from the enormity of his crimes, the kingdom is become ripe for disobedience; on this account the fruits of the earth are produced in less plenty, and the *Reyots* also are stricken with poverty; and this likewise is the cause of the vexations of your noble disposition.” *Pert-hoo*, on hearing this account, said to the *Bramins*, “Now, therefore, how shall I act, and what remedy can I apply to this? Shall I put the tribes of *Burrun Sunker* to death? Tell me what is most advisable.” The *Bramins*, upon consultation, and mutual consent among themselves, replied, “The tribes of *Burrun Sunker*, such as they now are, let them remain: and be it cautiously observed, and provided for, that, exclusive of these, no other new tribes of *Burrun Sunker* may be produced. It is not right to put these to death; but you must appoint them their several occupations, and direct them to the exercise of piety; neither shall they be disobedient to your commands: whosoever controverts your orders shall be accounted criminal, and worthy of death: act therefore as your understanding directs.” This just magistrate therefore summoned all the tribes of *Burrun Sunker* before him, and said to them, “Wherefore are your forms so vile, your bodies so emaciated and disgusting, your clothes so inconvenient, so coarse, and so ragged?” They answered, “What manner of speech is this? Our forms are the farthest from vile; and our dress is elegant; and our bodies
 “ are

" are plump and healthy : are you not possessed of sight ? Our
 " origin is from the practices of your father ; *Burmha*, is not of
 " superior rank to us." The *Bramins*, who were in the magi-
 strate's presence, smiled at these expressions ; but the just magi-
 strate was incensed at the speeches of these disorderly wretches ;
 and the servants, according to his order, bound and beat them.
 The tribes of *Burrun Sunker*, now reduced to extremity, fought
 for pity, and implored pardon for their offences, saying, " We
 " will be obedient to your commands ; act therefore as to you
 " shall seem most proper, to change our vile and wretched ap-
 " pearance to neatness and elegance : appoint us also our occu-
 " pations ; and settle our *Burrun*, or peculiarity, and property
 " of tribes." *Pert-hoo*, upon this, addressed himself to the *Bra-*
mins, saying, " You are *Pundits*, and learned and wise ; con-
 " stitute therefore to each of these, according to their several
 " abilities, an occupation and a tribe." In obedience to the
 order of this just magistrate, the *Bramins* said to them, " You
 " are of the casts of *Sooder* ; let each person among you declare
 " what employment he is willing to exercise." On hearing this,
 the tribe of *Kerrun* first stepped forth, and addressed them, say-
 ing, " We are altogether ignorant and foolish ; what petition
 " can we make in this case ? But you, who are *Pundits*, make
 " proper investigation, and settle accordingly." The *Bramins*
 then made known to the just magistrate, that " This person will
 " become of sound understanding, and of laudable princi-
 " ples ; he has spoken with great propriety. This tribe shall
 " perform the service of the magistrate, and shall have due
 " faith in the *Bramins*, and in the *Dewtah* ; and of the *Sooder*
 " casts this tribe shall be the first in rank." The *Bramins*
 then said to *Kerrun*, " Do you exercise the profession of wri-
 " ting and reading ; and find employment in the service of the
 " magistrate." Next stood up the tribe of *Ambusht*, to whom
 was given the *Shaster* of physic. Afterwards came *Kundeh-*
beneik, to him was allotted the occupation of druggist. Then
 appeared the tribe of *Kunkàr*, to him it was allotted to make
 vessels of brass, and *Kàseh*, and copper, and all such kind of
 things. Next appeared the tribe of *Sunkebkàr*, to whom it was
 given

given to work in *Sunkà*, or sea shells. Afterwards came the tribe of *Ookeree*, to him was allotted the occupation of war. Then the tribe of *Hejàm*, to whom *Hejàmut*, or the profession of barber, was consigned. Next came the tribe of *Moduk*, into his hands was put the preparation of confectionary. After those the tribe of *Koombehkar*, to whom was appointed the business of making earthen vessels. Then came the tribe of *Tunterbà*, to weave cloth became his occupation. Next appeared *Ghermkàr*, the formation of all instruments of iron became his employment. After that came the tribe of *Màgdeh*, to whom the *Bramins* said, "Do you make war your occupation." They answered, "We are not able to follow the employment of war; except this, order us whatever occupation you chuse." The *Bramins* returned answer, "You shall then display the characters and good qualities of the people, and shall write the same, and carry it about from kingdom to kingdom, and give intelligence; description shall be your employment." Then came the tribe of *Koop*, his employment was appointed to take care of accompt books. Afterwards came the tribe of *Berree*, to whom it was allotted to raise the *Páan* or beetle plant. Afterwards appeared the tribe of *Ruffoot* the care of horses became his employ. Next stood forth the tribe of *Màlàkàr*, to sell flowers became his occupation. Then came the tribe of *Tawleek*, to sell the beetle-nut became his employ. Afterwards appeared the tribe of *Tumboolee*, his occupation it became to sell the beetle plant. Then came the tribe of *Tukeehyàh*, to him it was allotted to cut wood and split timber, and to prepare all manner of articles in wood. Next came the tribe of *Rujuk*, to him was appointed the employment of sewing clothes. Then came the tribe of *Sherrunkar*, to him was given to make jewellery. Next appeared the tribe of *Shooburun-beneik*, to him was allotted the occupation of *Perrikhaye*, or trial of gold and silver. Then came the tribe of *Teilkar*, to whom it was given to make and to sell oil. Afterwards appeared the tribe of *Dheiber*, whose occupation it became to catch fish. Then the tribe of *Natt*, whose occupation it became to dance. Afterwards the tribe of *Chendal* appeared, the occupation of feeding dogs and asses was given to it; and its habitation shall be without the town,

and

and it shall take the clothes of dead persons, and shall cast out the bodies of such as die without heirs; and whomsoever the magistrate orders to be put to death, this tribe shall put the condemned person to death accordingly. Next came the tribe of *Chermkâr*, working in leather was appointed for its occupation. Next came the tribe of *Nujoomee*, the *Footee* or *Shaster* of astronomy was given to it for an employ. Then stood up the tribe of *Baduk*, drum-beating, and playing on other musical instruments, was given to it for an occupation. Next came the tribe of *Powukkush*, to him was given the employment of slaying wild beasts.

ALL this preceding *explanation* is to make manifest the reason of the first institution of the *Shaster*, and the cause of the superiority of one tribe over another.

THE several *Indian* words, which are adopted in this *account of the creation*, except the appellations of the tribes of the *Bur-run Sunker*, are all explained in the different chapters and sections where they occur.

Account

Account of the qualities requisite for a magistrate, and of his employment.

PROVIDENCE created the magistrate for the guardianship of all. The magistrate must not be considered as a mere man; even in the case of the magistrate being a child, he must still be looked upon in the light of the *Dewtâh*; in truth, the magistrate is the *Dewtâh* in a human form, born in this world: the magistrate must never be held low and contemptible; if any person conceives the magistrate to be mean and abject, such person the magistrate destroys, together with all his effects and property; and to whomsoever the magistrate behaves with respect and kindness, such person's effects and property become extensive; and against whomsoever he is enraged, that person dies; and whoever vilifies and abuses the magistrate, sports with his own life. Providence created punishment for the preservation of the magistracy; if the magistrate inflicts punishment according to the *Shaster*, his subjects are obedient to his commands; if he omits to punish according to the *Shaster*, his kingdom and his property become ruined and desolate.

FOR four months the magistrate shall not collect tribute from the subjects, but shall give them free agency; and endeavour, by promoting their satisfaction and content, to cause them to cultivate and improve their lands: during the remaining eight months, he shall collect the settled yearly tribute; and shall appoint *hircarraks* and spies through his kingdom, to inspect what employment each person pursues, and if tranquillity is preserved; and when men are guilty of crimes, he shall cause them to be seized; and, becoming as inexorable as the kingdom of death, shall inflict punishment on them; such good works let the magistrate practise; and let him address the people in kind and affectionate terms, that they may all be contented and thankful under him; and let him be so formidable, that his enemy may not be able to come into his presence; let him also be patient and forbearing, and support the burthens of all his people.

THE magistrate shall cause to be made for himself a round *ch t-her*, or umbrella, of the feathers of the bird *lut*, or of peacocks feathers.

WHOEVER is of laudable principles and acute judgment, and of good actions, and of right opinions, and a man of rank, and of courage, and a commander of what is laudable, and with whom the *Reyots* are contented, and who is descended from a father and ancestors, who were counsellors to the magistrate, of such persons the magistrate shall constitute seven or eight counsellors to himself.

WHOEVER has memory to retain what he hears, and who speaks so intelligibly that no doubt of his meaning arises in his audience, and who is a man of good actions, and not of profligate habits, and who keeps in subjection his lust, his anger, his avarice, his folly, his drunkenness, and his pride, and is a man well instructed in science, such person the magistrate shall constitute his *leekbuk* or *moonshi*, and writer.

WHOEVER is of laudable principles, and very capable in all the *Shaster*, and in business, and who can understand the meaning of a nod or a sign, and who can discern from the motion of the magistrate's lips, or the aspect of his countenance, the magistrate's pleasure or displeasure, and who is respectable before all others, and who can well finish whatever business he goes upon, and who can retain any speech that he hears, and who is not governed by lust, or anger, or avarice, or folly, or drunkenness, or pride, and who is acquainted with the different circumstances of all kingdoms, and can distinguish proper from improper seasons, and who is a man of strength, of courage, and a fluent speaker, such person the magistrate shall appoint his *doot*, i. e. his agent and *hircarrab*.

THE magistrate shall erect a strong fort in the place where he chuses to reside ; and shall build a wall on all the four sides of the fort, with towers and battlements; and shall make a full ditch

ditch on all the four sides thereof, and shall have water near it; that, at the time of necessity, when the water fails in all the *nullabs*, the ditch may be completely full; and he shall plant trees within the fort, and he shall have within the fort many troops of horse and foot to guard the same, and great store of arms, and much money, and many things of all kinds; and store of victuals and drink, and horses, and elephants, and camels, and cattle, and all beasts of burden in great plenty; and he shall keep there great stores of hay; and many *Bramins*, and painters, and smiths, and all other kind of artificers; and all sorts of musical instruments also shall be kept within the fort; and he shall cause great pools to be made: it is to be understood, that there should be store of all kinds of things laid up within the fort, that there may never be the complaint of a want of any thing.

THE magistrate shall keep in subjection to himself his lust, anger, avarice, folly, drunkenness, and pride: he who cannot keep these passions under his own subjection, how shall he be able to nourish and protect the people? Neither shall he be seduced by the pleasures of the chase, nor be perpetually addicted to play; nor must he be always employed in dancing, singing, and playing on musical instruments; nor must he sleep in the day-time; nor shall he falsely accuse any person; nor shall he always remain concealed in his private apartments; nor practise the drinking of wine; nor shall he go to any place without a cause; and shall not dispraise any person without knowing his faults; nor shall he cause any molestation to men of worth; nor shall he put any person to death by artful and deceitful practices; nor shall he take away the property of any person; nor shall he envy another person's superior merit; nor shall he say, that such persons as are men of capacity are men of no capacity; nor shall he abuse any person; and shall not hold any person guilty, without the commission of a crime.

To the good man, the magistrate shall give effects and money; and shall content and please children, and old men, and men in want, and men who are worthy to perform worship, by

speaking kindly to them, and by giving them money; and to such persons as seek defence from him, he shall show favour and comfort, and shall preserve them under the shadow of his protection, and shall not take bribes from them; and shall nourish the *Reyots* of his kingdom, according to the ordinations of the *Shaster*; and shall inflict a proper punishment upon his enemies; and shall not cherish any resentment in his heart against his friends, but be of pure and clean intentions; and in all cases, he shall spare and excuse the *Bramins*; and if any person, either his superior, or his equal, or his inferior in strength, comes to make war against him, in the presence of such person, the magistrate must not fail of courage.

THE magistrate shall not make war with any deceitful machine, or with poisoned weapons, or with cannon and guns, or any other kind of fire arms; nor shall he slay in war a person born an eunuch, nor any person who, putting his hands together, supplicates for quarter, nor any person who has no means of escape, nor any man who is sitting down, nor any person who says, "I am become of your party," nor any man who is asleep, nor any man who is naked, nor any person who is not employed in war, nor any person who is come to see the battle, nor any person who is fighting with another, nor any person whose weapons are broken, nor any person who is wounded, nor any person who is fearful of the fight, nor any person who runs away from the battle.

IF a man hath taken in battle any carriage, or elephants, or horses, or camels, or kine, or buffaloes, or goats, or sheep, or any such kind of beasts, or *paddee*, or wheat, or barley, or *gram*, or mustard seed, or such kinds of seed and grain, or umbrellas, or clothes, or salt, or sugar, he shall become possessor of them all; and if he hath taken, as a prize, gold or silver, or jewels, or lands, all such things shall belong to the magistrate.

THE magistrate, at the time of battle, shall receive from his *hircarrabs* and spies, intelligence of the adversary, and of his

own party, and of what is their immediate employment ; if his counsellors and other men are disheartened, then, by giving them effects and money, or by speaking kindly and comfortably to them, he shall endeavour to raise their spirits.

THE magistrate shall first attempt with his enemy accommodations of peace, and shall not at once prepare for war ; if the enemy does not make a composition, then, by disbursing some money, he shall shew the way to a reconciliation ; if the enemy is discontented with this also, he shall send to the adverse party a man of intelligence, and well skilled in artifice, to insinuate himself among the enemy's men, and make them dissatisfied with each other, that they may quarrel and fight among themselves, and so be ruined ; if the affair fails also of being compromised by these means, he must then prepare for battle.

WHENEVER the army and the implements of war are abundant, and the counsellors contented and unanimous, then let them go to the battle.

WHENEVER the counsellors and troops are contented, and in spirits, and the enemy has made but little preparation, and the troops and counsellors of the enemy are dissatisfied, then let them go to the battle.

WHEN the enemy's preparations are formidable, and your own preparations are scanty, then you must divide your army into two parts ; and, by attacking the enemy in two places, you shall obtain the victory.

WHEN the enemy is victorious, and yourself defeated, protection must be sought from such person as is of a right judgment, and of a peaceable disposition.

THE leader of the army shall keep a cautious watch on all sides ; and on whatever side the enemy approaches, he shall on that quarter go to battle.

THE magistrate, whatever province he shall conquer, and annex to his own authority, shall pay worship to the *Dewtâh* of that country, and shall give much effects and money to the *Bramins* of that province, and shall shew respect and courtesy to men of good actions, and kindness and clemency to the subjects there, and shall appoint whomsoever there shall happen to be descended from the same grandfather with the person whom he has conquered, to the magistracy of that province.

THE magistrate, while there yet remains four *ghurrees* of the night, shall rise from sleep, perform his ablutions, and, in a proper manner, pay the *Poojeh* to his Deity; after which, he shall put on a choice dress, and valuable jewels; and, having first performed due obeisance, and respectful salutations to the *Dewtâh*, and to the *Bramins*, shall seat himself upon the *Musnud* (or throne) of the magistracy, and despatch the several affairs of government; and, in every transactions, shall act in conformity to the *Shaster*.

THE magistrate shall appoint some one person his *Gomastah* or agent in each town; and he shall constitute a person to two towns; and also an *Ibtimamdâr* or superintending agent to three towns; so also one person to five towns; and one person to ten towns; and one person to twenty towns; and one person to one hundred towns; and one person *Ibtimamdâr* to one thousand towns. If any affair should happen in any town, the *Gomastah* of that town shall give intelligence thereof to the *Ibtimamdâr* of two towns; and the *Ibtimamdâr* of two towns to the *Ibtimamdâr* of three towns; and the *Gomastah* of three towns to the *Ibtimamdâr* of five towns; and the *Ibtimamdâr* of five towns to the *Ibtimamdâr* of ten towns; and the *Ibtimamdâr* of ten towns to the *Ibtimamdâr* of twenty towns; and the *Ibtimamdâr* of twenty towns to the lord of one hundred towns; and the lord of one hundred towns to the lord of one thousand towns; and the lord of one thousand towns to the supreme magistrate.

THE magistrate, in the month of *Chey*t (part of March and April) shall not let any person dress his victuals in the day-time; and shall, in different places, cause wells and pools to be digged; and shall plaister the houses of the kingdom with clay; and shall cast out the heaps of wood and grafs from the cultivated country to the waste; and shall cause the wells and pools that are filled with mud, and briers, and rubbish, to be cleansed; and shall not permit any person to light a fire in the day-time, except only that the *Bramins* shall perform the *Jugg*, and the ironmongers and goldsmiths, and such kinds of artificers, may light a fire in their own work-shops, for the performance of their business; but they must keep their fire under the nicest caution; and, exclusive of those, if any other person, during the month of *Chey*t, kindles a fire in the day-time, the magistrate shall hold him guilty; and he shall be circumspect, that not a single sign of sharpers, and men of bad principles, and such as cannot distinguish between their own good and evil, and such as are born eunuchs, and such as are accustomed to be intoxicated with liquor, appear in his kingdom; if such as these appear, he shall expel them out of his city, lest by chance they set fire to any person's house.

THE magistrate, having erected in his kingdom some buildings of strength and elegance, shall place therein with all dignity and respect, ten *Bramins* learned in the *Beids* of the *Shaster*, and in the *Sheertee* of the *Shaster*, (who are also men skilled in works of piety, and who employ themselves in worthy actions, and who are men of compassion and clemency, and of an exalted family, and acquainted with all business, and who know the excellencies and the blemishes of each particular cast), to inspect and control the affairs of the kingdom, both religious and otherwise. If he cannot place therein ten *Bramins*, he shall place there seven persons, or five, or three, or two; and whenever any doubt arises in the magistrate upon any circumstance, he shall apply for a solution thereof to those *Bramins*, who, coinciding in sentiments, shall give him an answer, conformably to the *Shaster*; according to which, the magistrate shall take his measures.

measures. If any concern of the *Reyots* should arise, they shall request an ordination from the *Bramins*; and whatever the *Bramins* order from the inspection of the *Shaster*, to that the *Reyots* shall pay obedience.

THE *Pundit Bramins*, who are in the magistrate's kingdom, shall perform the *Nut-kerm*, the *Neemtuk-kerm*, the *Sàntee-kerm*, and the *Pooshtee-kerm*, and such other works which are necessary and proper, according to the *Shaster*, for the advantage of the magistrate, and of the subject.

Nut-kerm is the daily performance of the worship to *Dewtâh*, and of the *Jugg*, and such other works of piety.

Neemtuk-kerm is the performance of certain religious acts and of the *Dân*, and of the *Serâdeh* (or festivals of the dead), and such other works, during the time of the eclipses of the sun and moon.

Sàntee-kerm is the performance of worship to the *Dewtâh*, during the time of a calamitous season, or in a dry year, or a year of famine, or when any pestilence happens in the kingdom, for the adverstion of such misfortunes.

Pooshtee-kerm is the performance of worship to the *Dewtâh*, and of the *Jugg*, for the strengthening of the body, and for increase of wealth.

THE *Chehteree*, the *Bice*, and the *Sooder*, shall be obedient to the *Bramins*; and whatever order the *Bramins* shall issue, conformably to the *Shaster*, the magistrate shall take his measures accordingly.

THE magistrate, with all possible circumspection, shall nourish the four *Isrum*; an account of the four *Isrum* will be given in the chapter of *Justice*. Whoever hath forsaken the principles of his own cast, the magistrate shall cause him to return to the

the duties of that cast; if he will not return, he shall oblige him by menaces.

IN whatever magistrate's kingdom the *Bramins* are unable to procure food and clothes, that kingdom becomes desolate; in such case the magistrate shall most certainly appoint them subsistence and clothing.

WHOMSOEVER the magistrate shall retain as a servant, he shall appoint him a stipend proportionably to his occupation, that he may not be reduced to necessity and distress.

THE magistrate shall keep the high road open and plain, that men and cattle may have sufficient room to pass and repass; and shall place in some retired situation his store-houses, and elephant-stalls, and armories, and stables, and barracks for the foldiers.

THE magistrate shall keep many intelligent physicians, and magicians, (or men who cure by spells), and surgeons, *i. e.* men skilled in operations of surgery, and in applying plaisters; and he shall keep great quantities of medicines, and of oils of all kinds in the physic shop; and shall retain in his service a great number of buffoons, or parasites, and jesters, and dancers, and athletics; and he shall render all his servants, both counsellors and other tendants, contented and grateful.

IF the magistrate cannot punish robbers and night murderers, and is unable, by apprehending the thief, to restore effects stolen from any person, then he shall give to that person, from his own store-houses, the value of the thing so stolen.

SUCH things as are not proper for him to take, he shall not take on any pretence; and of such things as are right and proper for him to take, even although they are exceedingly minute, he shall not forego his claim: and he shall esteem the subjects in the light of his own children. And if any calamity should happen to the magistrate, yet he must not be terrified, nor remain

main afflicted, even during the calamity. Also he must be easy and tranquil, but must not take any diversions.

THE magistrate shall not be impatient and angry at hearing any subject's complaints; and if any person, not having gained his cause, speaks abusively to the magistrate, even then he shall not be enraged against that person, but shall forgive his error. Upon performing the *Jugg* and *Poojeh*, and other pious ceremonies, he shall give to the *Bramins* the *Duchneh*, i. e. the wages for the performance of the *Jugg* and *Poojeh*, and shall not require ought from any person.

THE magistrate shall take all prudential measures in his own kingdom, that no person commit adultery with another person's wife, and that no person have power to commit any violence to another. And every magistrate who causes the guilty to be punished is commendable.

THE magistrate shall collect from the people the necessary tribute, and shall never commit injustice, and shall listen upon all affairs to such men as are possessed of an acute judgment, and who are very expert in all affairs.

IF a plunderer should attack the magistrate's kingdom, and grievously molest the people, the magistrate shall most surely punish him; if he does not, he is unworthy of the magistracy. And a magistrate, who, without protecting and taking care of the subjects, collects the accustomed tribute from them, will go to hell.

THE magistrate shall keep such a guard upon himself, that his foibles may never be discovered; and, by sending *hircarrahs* and spies, he shall inform himself of the faults of others.

IF a *Burrut*, i. e. a religious foundation, hath been appointed to any *Bramin* or other person, being a stipulated sum for the performance of *Poojeh* to the *Dewtâh*, the magistrate has no power to resume the donation. Whoever resumes the establish-
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ed *Burrut* of a *Bramin* and the *Dewtâh*, or of any other person, will remain in hell one thousand years.

IN a kingdom, where men of rank eat in the houses of prostitutes, or have carnal connection with prostitutes, or practise the drinking of wine, such kingdom becomes desolate; therefore it is the duty of the magistrate to appoint persons to prohibit such practices.

IF a magistrate, not distinguishing between good and bad men, takes fines, in contradiction to the *Shaster*, his kingdom becomes desolate.

IF a thief, or any other person within the observation of the magistrate, and of the magistrate's counsellors, should cause any molestation to the people, and the magistrate and his counsellors should not punish the offender, such magistrate and counsellors, during their life-time, are like dead persons.

THE magistrate, at what time he is desirous to consult with his counsellors, shall chuse a retired place, on the top of the house, or on the top of a mountain, or in the desert, or some such secret recess, and shall hold his council there; and in places where there are parrots or other talkative birds, he shall not hold his council while they are present.

THE magistrate shall not take counsel of a weak old man, or of a woman, or of a person unacquainted with works of piety. If any person, exclusive of the magistrate's counsellors, is acquainted with the designs of the magistrate, his magistracy is not of a long duration.

T R A N S L A T I O N
OF A
POOTEE, or COMPILATION
OF THE
O R D I N A T I O N S
OF THE
P U N D I T S.

C H A P I.

Of Lending and Borrowing.

MEN are permitted to lend money, but they should not lend to women, children, or servants; and, whenever they lend, it shall be upon the credit of a pledge, a security, a bond, or witnesses, whichever of the four is most to their satisfaction, and not otherwise; the pledge and security are to answer the payment of the debt, the bond and witnesses to prove its validity.

Sect. I. Of Interest.

Sect. II. Of Pledges.

Sect. III. Of Securities.

Sect. IV. Of discharging debts to whomsoever due.

Sect. V. Of the methods of recovering debts.

S E C T. I.

Of Interest.

IF a loan be granted upon a pledge to a man of the *Bramin* cast, the monthly interest shall be one part in eighty upon the principal; at this rate, if the principal be eighty rupees, the interest shall be one rupee *per* month.

IF a loan be granted upon security to a *Bramin*, first, one part in eighty upon the principal is allowed, that is to say, one rupee, and also one eighth of one eightieth of the principal, which upon eighty rupees amounts to two annas; these two sums are to be added together for the monthly interest; so that, upon a principal debt of eighty rupees, the whole interest at this rate is two rupees two annas *per* month.

IF a loan be granted to a *Bramin* without pledge or security, the monthly interest shall be two *per cent*.

IF a loan be granted to a man of the *Chehteree* cast, in that case, where a *Bramin* pays interest one rupee, the *Chehteree* shall pay one rupee eight annas; where the *Bramin* is charged one rupee two annas, his interest shall be one rupee eleven annas; and, in the place of two rupees, the *Chehteree* shall give three.

IF a loan be granted to a man of the *Bice* cast, he shall be charged double the interest of a *Bramin*.

IF a loan be granted to a man of the *Sooder* cast, in that case, where the *Bramin* pays interest one rupee, the *Sooder* shall pay two rupees eight annas; in the place of one rupee two annas, he shall give two rupees thirteen annas, and, instead of two rupees, he shall be charged five.

It is allowed the tribe of *Bice* to charge interest, at the rates herein already specified, in times either of public calamity, or of public prosperity.

Also it is allowed the *Bramin*, the *Chehteree*, and the *Sooder*, in times of calamity, to demand the above interest.

BUT, in times of prosperity, it is criminal in the *Bramin*, the *Chehteree*, and the *Sooder*, to charge interest at these rates.

Explanation of the various denominations of interest, which are of six sorts.

THE first is *Kau-ee-kau*, so called, when money is lent upon a stipulated interest, with agreement to be paid yearly.

THE second is *Kau-lee-kau*, so called, when, according to the rate of the agreement, interest is to be paid monthly.

THE third is *Chickerberdehee*, so called, when, upon a debtor's inability to pay the interest upon his original debt, the principal and arrears of interest are added together, and interest commences upon the aggregate sum.

THE fourth is *Cortee-au*, so called, when, in times of calamity, the borrower voluntarily agrees to advance the rate of interest, which he must pay accordingly.

THE fifth is *Seekhauberdehee*, so called, when, according to the rate of the agreement, interest is to be paid daily.

THE sixth is *Bhook Lâbbeh*, so called, when a creditor receives a profit upon any thing delivered over to him as a pledge; as for instance, when a man pledges with another any domestic animals, as kine, buffaloes, goats, horses, camels, elephants, &c. or fruit trees, as mango trees, jacks, cocoa trees, beetle, &c. or
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houses,

houses, or tilled land, or womens ornaments, or pots, or clothes, or mats, carpets, &c. if they be applied to use, and it be agreed between those two, that the produce, or usufruct of the pledge, shall appertain to the creditors, in lieu of interest.

IN times of public calamity, either of the four tribes of *Bramin*, *Chehteree*, *Sooder*, or *Bice*, may receive interest, at the rate of one part in eighty, being one rupee (as hath already been herein explained in a separate article) by either of the three modes of *Kau-ee-kau*, *Kau-lee-kau*, and *Chickerberdehee*.

EITHER in prosperous or calamitous times, it is criminal for either of these four casts, except only the *Bice*, to exact interest, by either of the three methods of *Cortee-au*, *Seekhauberdehee*, or *Bhook Làbbeh*.

IT is lawful for the tribe of *Bice* to receive interest by either of the three modes of *Cortee-au*, *Seekhauberdehee*, and *Bhook Làbbeh*, in times of calamity, but in a prosperous season criminal.

IF a creditor hath received no interest upon his money for fifty months, and if still a longer time should elapse, yet the arrears of interest shall rise no higher than to double the principal; and the four modes of *Cortee-au*, *Kau-ee-kau*, *Kau-lee-kau*, and *Chickerberdehee*, may be applied to collect the interest upon this double principal.

IF interest, by the two modes of *Seekhauberdehee* and *Bhook Làbbeh*, hath been paid for a very considerable time, yet there shall be no release from it, until the principal debt be discharged.

NEITHER of the three tribes, *Bramin*, *Chehteree*, or *Sooder*, but only the *Bice*, shall receive interest by these six methods in times of prosperity.

THERE is a tribe, denominated *Burrin Sunker*, composed of such whose father and mother, being of two different tribes, have

have begotten children; if a man of this cast should borrow money, he shall pay one part in sixteen upon the principal; at this rate, the interest upon one rupee is one anna.

If a creditor, by violent means, causes his debtor to agree to an increased rate of interest, the agreement shall not be valid.

If a man borrows money without a pledge given, the son of his grandson shall not pay the debt.

If a man borrows money upon a deposited pledge, the son of his grandson must discharge the debt.

If a man borrows money without stipulated interest, and upon the demand of his creditor goes abroad, without sufficient reason, and a call of business, or lurks secretly in his own house, fraudulently contriving means to delay and to refuse payment, in that case, after three months, interest upon the debt shall commence from the beginning of the fourth month; but if the debtor goes abroad upon real and necessary occasions, he shall pay interest, after the expiration of one year.

If a man borrows jewels, pearls, coral, silver, gold, cotton, or clothes made of silk or of goats hair, and any considerable time elapse without repayment, yet shall the interest upon such a debt arise no higher than to double the principal.

If a man, having purchased goods upon credit, fraudulently goes abroad without payment, or conceals himself in his own house, and, by prevaricating excuses and delays, continues to withhold the purchase-money, in that case, after six months are elapsed, interest shall be accounted due from the beginning of the seventh; if the purchaser is called abroad by his necessary business, he shall pay interest, after the expiration of one year.

If a man hath committed ought to the charge of another, who, on application for the return of the trust, fraudulently absconds

absconds on a journey, or if he leaves not his own house, but, by excuses and prevarications, detains the charge in his own possession, in that case, if six months elapse from the time of such application, he shall be charged interest from the beginning of the seventh.

SUPPOSE a man to borrow a quantity of the grain called *Shallee*, (or *Paddee*), upon this agreement, that, at the time of the *paddee* harvest, he will make an equitable and equivalent return, in that case, if, at the time of payment, grain be something cheaper than when it was borrowed, he shall pay double the quantity; if it be much fallen in price, he shall pay three times as much; if it be still cheaper four-fold; and if its value be exceedingly reduced, he shall return five times the quantity lent him, and this fifth increase he shall never be obliged to exceed; if the price, at the time of repayment, be risen, with respect to the time of borrowing, the *Bramin* shall pay for interest two in one hundred parts, the *Chehteree* three in one hundred parts, the *Bice* double of the *Bramin*, and the *Sooder* five parts in one hundred.

IF a man borrows cocoa-nut oil, or any spirituous liquors, or *ghee*, and returns it not in fifty months, he shall then repay eight times the original quantity.

IF a man borrows milk, woollen cloth, perpets, *shawls*, or tapestry, and carpets made of any hair but that of sheep, and returns it not in fifty months, he shall then repay five times the original quantity.

IF any man borrows any kind of cloths, (but those made of silk), iron, copper, talc, brass, white copper, pewter, tin, and metals of this kind, except gold and silver, and returns them not in fifty months, he shall then repay three times as much.

IF a man borrows any kind of grain, except *paddee*, as wheat, small *gràm*, barley, and such kinds of grain, or lentiles, *gràm*, mustard-feed, or *kunjud*, and such other produce
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of tillage, and returns it not in fifty months, he shall repay it four-fold.

If a man borrows green herbs, such as cabbage, lettuce, &c. and repays them not in fifty months, he shall repay them five-fold.

If a man borrows sugar canes, and returns them not in fifty months, he shall then repay six times the quantity.

If a man borrows the juice of the sugar cane, the better sorts of flowers, or of fruits, ginger, radishes, potatoes, or yam, or any other of those herbs whose root is in common use, whatever quantity he borrowed, he shall return three times as much.

If dried grass, fuel wood, bricks, or leaves, or things made of leather, or bone, or scimitars, spears, daggers, muskets, and this kind of warlike instruments, or dried flowers, or fruits of the worst species, be borrowed, and not repaid in fifty months. yet no interest is to be given on them; but if it be originally stipulated, it shall be paid.

If a man sells goods without receiving immediate payment, and, upon demand made for the money, the purchaser puts him off with frivolous delays, either staying at his own house, or going abroad, without sufficient reason, interest shall commence upon the debt from the beginning of the fourth month.

If a hired servant hath been a long time without receiving his wages, yet he shall not demand interest upon them, unless it be originally so stipulated.

If a man hath agreed to pay another a certain fine on any account, and a long time elapse without payment, he shall not give interest, unless it be part of the original agreement.

If a man hath presented another with any thing in the way of friendship, which present the accepter neither takes to his own

own house at the time it is given, nor doth the donor send it to him, yet shall no interest be paid upon the gift thus withheld, unless by a prior agreement.

IF a man hath given another any thing by way of recompense, which, after being accepted by the person to whom it is offered, is yet detained at the donor's house, and not delivered on demand, interest shall be paid upon its value.

IF a man, in a friendly manner, hath applied to his own use any thing of the separate property of his wife, on returning it, he shall give an interest, together with the principal; and if a man, by forcible means, hath taken ought belonging to his wife, and doth not pay her both principal and interest, the magistrate of the time shall oblige him to pay interest and principal, and shall also fine him.

IF a man hath expended, on friendly terms, any of his wife's property, and dies before he makes it good, his son shall pay the principal so borrowed, but without interest.

IF a man offers to discharge a debt, and the creditor will not accept payment, he shall not pay interest upon the debt, after such an offer, unless it be previously stipulated.

IF a man, who has agreed to disburse a certain sum for the expences of a marriage, or a marriage portion, pays it not for a considerable time, he shall not pay interest upon that sum, unless according to previous agreement.

IF a man hath deposited a pledge, and the creditor possessing such pledge applies it to his own uses, or breaks it, or it be stolen from his house, in that case, he shall not pay interest upon it, unless by agreement.

IF a man deposits a pledge with another, and no agreement be made that the creditor shall make use of the pledge, in that case, supposing the pledgee to apply to use the goods so pledged,

he shall pay half interest, according to the rates herein already specified.

IF a pledge, deposited in a creditor's hands, be spoiled, lost, or broken, by an unforeseen accident, in that case, the creditor shall still recover both principal and interest of his debt; but the debtor shall not receive the value of his pledge.

A MAN may lend money to another of the same tribe, to his relations, or particular friends, upon a pledge only, but from all others he should demand a bond and security.

IF a man lends gold to another, he shall appoint a fixed day of payment to his own satisfaction; if he cannot fix a day to his mind, he may omit it.

IF a man borrows *paddee*, wheat, barley, *gràm*, small *gràm*, lentiles, or *doll*, or mustard-feed of the species of grain and pulse, or salt of whatever sort it may be, or honey, sugar, sugar-candy of the species of sweets, or round pepper, or *peepul*, dried ginger, *kureelah*, or *inderjò* of the species of warm bitters, or tamarinds, or sour plumbs, or lemons of the species of acids, or *hurreh*, *beheereh*, and *oulah* of the species of *affus*, he shall surely fix a day of payment.

WHEN several men are creditors to the same debtor, they shall make a sort of common stock of their debts, and receive their respective shares of each payment; if any creditor refuses to accede to this agreement, he shall lose his share of the interest.

IF a man hath sold rice or wheat for sowing of the species of grain, or mustard-feed, or *kunjud* of the species of seed, or the seeds of cotton, or *kureelah*, or pumpkin of the species of *terkarree*, or the seed of the water melon, or cucumber of this species, and they do not spring up from the ground, but the spot should become waste, the vender of the seed shall make good the crop.

S E C T. II.

Of Pledges.

IF a man, with whom a pledge is deposited, should apply to his own use the things so pledged, and by that means spoil it, he shall pay the value of it to the depositor, or procure another of the same kind.

IF a man, who hath pledged ought to another for a debt, offers to pay the money, and demands his pledge, which the creditor fraudulently with-holds, in that case, the magistrate shall exact a fine from the creditor, cause the pledge to be restored to the right owner, and the debt to be forthwith discharged.

IF a person mortgages to another such a quantity of land as will serve for the subsistence of one man, for one year, and afterwards mortgages the same land to a second mortgagee, he shall be punished with death; or if his life be spared, he shall be fined one hundred *asbrufees*; and if the criminal be a *Bramin* (which tribe is exempt from capital punishment) he shall still pay the fine of one hundred *asbrufees*.

IF a man mortgages a quantity of land less than will suffice to maintain a man one year, and afterwards engages the same ground to a second mortgagee, the magistrate shall fine him sixteen *asbrufees*.

IF a man hath deposited a pledge with another, and suffers it to lie a considerable time unredeemed, yet the creditor shall not apply the depofite to his own use, or sell it, or spoil it, or pledge it as his own to another person; if he acts in contradiction to this, he shall be obliged to make good the pledge.

IF a man, having pledged any thing to one person, fraudulently contrives to engage the same article as a pledge to a second, the first engagment shall be considered valid, and not
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the second ; but yet the second creditor shall receive both principal and interest of his money ; and he who thus transgresses the laws of justice shall be punished as a robber.

If a man pledges the same article with two persons, and it be not known which transaction was prior in date, then, whichever of the creditors, without molestation of the other pledgee, attaches the pledge, it shall be accounted valid, with respect to him ; if a dispute arises, the two creditors shall have equal shares in the deposit.

If any transaction between two people pass before witnesses only, and a third person produces a written instrument of the same transaction, attested also by witnesses, the writing thus witnessed shall be accounted valid.

If a man pledges ought to another without a written agreement, and afterwards deposits the same pledge with a second person, adding a regular written instrument, to testify the validity of this second pledge, in that case, the second engagement shall stand good, and the borrower shall return back the money lent him by the first creditor.

If a man mortgages to another a certain quantity of land, and the mortgagee, by forcible means, appropriates to his own use a larger space of ground than is specified in the agreement, in that case, the magistrate, without causing the debt to be discharged, shall restore the mortgaged ground to the right owner, and hold the mortgagee criminal.

S E C T. III.

Of Security.

There are four sorts of security.

First, WHEN a man, desirous to borrow money, is refused, by the person whom he addresses, from a want of confidence in his ability to repay it, if in the mean time a third person should advise the refusing party to lend the money, and should promise, that, if the debtor absconds upon the day of payment, he will cause him to appear, he, who by such advice causes the money to be lent, engages himself in a kind of security; and if he cannot produce the borrower, when payment becomes due, he must discharge the debt, both principal and interest: if he dies, his son shall not make good the loan.

Secondly, WHEN a man, who is requested to lend money, doubts the character of the borrower, and enquires it of a third person, if this man should answer to the other's character, and affirm, that to his own knowledge he is worthy to be trusted, by thus inclining the party to lend the money, he is to be considered as a kind of security; and whoever, by giving a good character to a bad man, enables him to borrow money, and this circumstance can be proved, the recommender shall be obliged to make good both principal and interest of the debt; but if he dies, his son is not answerable for the money.

Thirdly, WHEN a man, desirous to borrow money, is refused, because the person of whom he requests it has no opinion of his credit, if a third man should say, "Lend him what he desires, and I will be answerable for it," this also is a kind of security; and if the borrower refuses payment, the security must discharge both principal and interest of the debt; also, if he dies, his son shall make good the principal.

Fourthly,

Fourthly, WHEN a man, desirous to borrow any thing for a time, promising to return it as soon as the business for which it is wanted shall be finished, is refused the use of it, if another person should advise the possessor of the thing required to lend it, and should promise, that he will take care to see it returned, this also is a mode of security; and if the borrower returns not the article lent him, the security shall make it good, with interest upon its value: also, if he dies, his son shall be answerable for the principal.

IF a debtor, on the day agreed for discharging of his debt, should be unable to appear, either from some natural or public calamity, or from a necessary attendance on a court of justice, it is not to be accounted a fault in the man who became security for him; but when the debtor's cause of delay is removed, the security must then procure his appearance, or, upon failure, must himself be answerable for the cause in dispute.

IF a man dies, who, having deposited a pledge, is become personal security for another, his son shall discharge the principal of the debt.

IF a man who is security for another should die, his grandson and great grandson are not answerable.

IF several men become securities for a debtor who fails to discharge his debts, all the securities shall pay the money in equal shares.

IF, at the time of lending money, the lender should say to the securities, "Here are several of you engaged, but I expect, that any one of you, whom I may happen to find when payment becomes due, shall discharge the debt," if also the securities assent to this stipulation, then, should the borrower fail in his engagements, the creditor shall exact payment of any one of the securities whom he can first find, according to agreement.

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IF a debtor should be absent, and the security is desirous to bring him to appearance, the creditor shall settle with the security a reasonable time for his departure and return, and shall permit him to go in quest of the debtor.

IF a security has not absolutely the means to pay a sum for which he bound himself, and the creditor commences a suit against him in a court of justice, the magistrate of the time shall appoint him to pay the debt, by instalments, according to his ability, and shall not be too harsh and severe upon him; neither shall the creditor be permitted to treat him with unreasonable rigour, in the exaction of his claim.

IF a creditor of his own head be extremely hard and severe upon a security, whatever money he hath by this method extorted, after the space of one month and an half, the judge shall cause him to return double of that sum to the security; and if it be within the space of one month and an half, whatever sum he hath received, the judge shall cause him to return the like sum to the security.

(According to Chendeesur.)

IF a security, unable to answer the harsh and importunate demands of a creditor, should give him ought, by way of bribe, to satisfy him for the present, and then complain to a court of justice, if this complaint be after one month and an half, the judge shall cause the creditor to give double of that bribe to the complainant; if the complaint be laid within the space of one month and an half, the judge shall cause the creditor to pay him a sum equal to the bribe.

(According to Gerbeisur.)

A MAN who is unable to pay his debts, and the fines of a court of justice, shall not be taken as a security.

A MAN shall not accept, as security, a person totally unknown to him, his own master, an enemy, a prisoner, a very old

old man, a partner living in the same family, a friend, or a pupil.

S E C T. IV.

Of discharging debts to whomsoever due.

IF a man pays his grandfather's debts, he shall not be charged interest upon them.

IF a man lends money upon a positive stipulation to be paid on a certain day, and the borrower also assents to this restriction, the money must absolutely be repaid accordingly.

IF a man lends money with a stipulation to be paid upon demand, and the borrower consents to take it upon this restriction, he shall accordingly pay it when demanded.

IF a man dies in debt, his sons shall contribute their respective shares to discharge his obligations.

IF a man dies in debt, his grandchildren shall respectively contribute to pay the money.

IF a man dies in debt, his great grandchildren shall not pay the money.

IF a man in debt renounces the world, and becomes *Fakeer*, his sons and grandchildren shall discharge his obligations.

A GREAT-GRANDFATHER's debts are not obligatory upon the great grandson; but if it be his own choice, the great grandson may pay them.

IF a man in debt leaves his own country, after he hath been absent twenty years, his son shall pay his debts; also a grandson shall discharge the debts of his grandfather, after twenty years absence; likewise, within the space of twenty years, the son and
grandson

grandson may discharge the debts of their father and grandfather, if they chuse it ; but the creditor shall not, before the expiration of twenty years, have power to compel them.

IF a man dies, who hath deposited, as pledges for money borrowed, fruit trees, tilled land, houses, kine, buffaloes, goats, horses, elephants, and such kinds of useful animals, or pots, clothes, mats, and such things as have been already specified, to produce an interest for a debt, his great-grandson shall discharge that debt.

IF a man in debt be absent from home, and there be no expectations that he will ever return, his son and grandson shall pay his debts within twenty years.

IF a man in debt be sick, beyond all hopes of recovery, the son, in that case, shall pay his father's debts.

IF a man be blind from his cradle, or an idiot, or be overcome by the infirmities of age, or be afflicted with a consumptive spitting of blood and phlegm, or with a leprosy, and lives in his son's family, that son shall discharge his father's debts ; but if he lives apart from his son, and contracts debts, he shall himself discharge them ; and the son has no connection with them.

IF a man lends money upon the security of two people, with agreement that either of them whom he may happen to find, when payment is due, shall be answerable for the debt, in that case, if one of the securities should die, and leave no children, and the other security be absent from home, the son of the absentee shall pay the money ; if both the securities die, whichever of them leaves children, the son shall pay his father's share of the obligation.

BEFORE the dissolution of a partnership, if one of the parties, being in debt, leaves his country, or dies, in that case,

whichever of the partners be found upon the spot shall discharge the debt.

UPON the absence of a master of a family from home, whether abroad or in his own country, if his servant borrows money for the immediate support of his master's family and dependants, the master, on his return, must be answerable for the debt.

IF a man dies in debt, and his son and grandson, at the time of his death, be very young, and incapable of managing their own affairs, they shall not pay his debts until they arrive at years of discretion, and then they shall discharge them, according to their ability.

A FATHER shall not be compelled to pay his son's debts, but if he chuses it, from any impulse of paternal affection, he is permitted; but if a father offers to be security to a man who has refused to lend money to the son, in that case, the father is obliged to pay what the son borrows.

IF a man had been desirous to make a present to another, without any sufficient cause, and dies, leaving his intention unfulfilled, his son shall not give it.

IF a man had been desirous to make a present to another, upon a proper and sufficient cause, and dies in the mean time, the son shall fulfil his father's intentions.

IF a man dies, having incurred debts by gaming, or drinking spirituous liquors, his son shall not discharge them. (This law is calculated for those persons in whom gaming, and the use of spirituous liquors, is not accounted a moral offence).

IF a man who owed a fine to a court of justice should die, leaving part of the fine unpaid, his son shall not pay that part; also, if no part of the fine was paid in the man's life-time, his son shall not be answerable for it in any respect.

IF a man, by the impulse of lust, had promised any present, and should die without fulfilling the promise, his son shall not give it.

IF a man, through the impulse of enmity, had agreed to give away any thing, and dies without fulfilling the agreement, his son shall not give it.

IF a woman, in times of calamity, or for the immediate support of her household, relations, and servants, should borrow money, her husband and son must discharge the debt; but, if she contracts debts on any other account, her husband and son shall not pay them.

IF the wife of a man of the cast of potters, or of washers, or of cow-herds, or dancers, or hunters, contracts a debt, her husband and sons are answerable for it; also, if a man, or his son, among those tribes, contracts debts, the wife must pay them.

IF a woman borrows money with the consent of her husband and son, the husband and son shall repay it.

IF a man, at the point of death, desires his wife to discharge his debts, then, if she inherits her husband's property and possessions, she shall pay them accordingly.

IF a man dies in debt, whoever happens to be his heir shall discharge those debts, but without interest.

IF a *Bramin* dies childless, whichever of his kindred becomes his heir, he shall discharge his debts; if he has no relations, the *Bramins* of the same village where the childless *Bramin* resided shall administer to his estate, and pay his debts; if no other *Bramins* inhabit that part, the magistrate shall pay the childless *Bramin's* debts from the amount of his effects, and shall cast the overplus into the water.

IF a *Chehteree* dies childless, and hath no relations or kindred, the magistrate shall take administration of his effects, pay from the amount the debts of the deceased, and keep the overplus.

S E C T. V.

Of the methods of recovering debts.

IF a creditor, on the day appointed for payment, demands his money of the debtor, who refuses to discharge the debt, first, he shall speak to the friends and relations of the debtor, and procure them to demand payment; next, he shall go in person, and importune for his money, and stay some time at the debtor's house, but without eating or drinking; if these means fail, he shall carry the debtor home with him, and, having seated him before men of character and reputation, shall there detain him; if even this method should not succeed, he shall endeavour, by feigned pretences, to get hold of some of his goods; or if any pledge was deposited with him on lending the money, he shall carry the goods so pledged to the magistrate, who shall cause the deposit to be sold, and pay the creditor his debt, with interest, from the amount of the sale; if he cannot, by evasive means, distrain the debtor's goods, and also if no pledge be in his possession, he shall then seize and confine the debtor's wife, children, cattle, buffaloes, horses, and such kind of useful animals; also his pots, clothes, mats, and furniture; and, seating himself at the debtor's door, shall there receive his money; if even these methods prove unsuccessful, he shall seize and bind the debtor's person, and procure, by forcible means, a discharge of the debt.

IF men of very low casts, *coolies*, and handicraft-men, owe money, they shall be seized, detained, and compelled to pay.

IF a man lends money to a magistrate, to his own master, or to a *Bramin*, he shall not be rude or uncivil in procuring payment.

IF a man hath lent money to one of the same family, or to a man of bad principles, he shall, by evasive pretences, get hold of some of the debtor's goods, and by that means procure payment.

IF a man of the tribe of *Arzàl* be unable to pay his debts, he shall be obliged to work out payment by daily labour.

IF a *Bramin* be unable to pay his debts, the magistrate shall appoint him to discharge them by little and little, according to his means.

IF a debtor and creditor are both of the *Bramin* cast, the one shall not oblige the other to work out a debt by day labour.

IF a man of the *Chehteree*, *Sooder*, or *Bice* cast, is too poor to pay his debts, the creditor may oblige him to work out the amount, in any business of which the debtor is capable; that is to say, the higher cast may exact this method of payment from one inferior to itself, and casts of equal rank may thus mutually treat each other; but a low cast cannot force the superior to compound debts by labour, but shall be paid by instalments, on a debtor's inability to discharge the whole debt at once.

IF a creditor, without previous demand, seizes his debtor by force, and obliges him to work at a business of which he is not capable, the magistrate shall fine the creditor, and dismiss the debtor with the debt unpaid.

IF a man discharges not a debt in fifty months from the time of borrowing, so that the interest of *Chickerberdehee* takes place, (an explanation of which hath been already given above), he shall

shall settle the mode to his own satisfaction, and pay the creditor his money.

IF a man, who hath long since deposited a pledge in another's hands, should abscond, or die, the creditor, in presence of the debtor's friends, shall produce the pledge, and ascertain its value; after that, he shall keep it by him ten days; and, if within that space, the debtor's next heir does not come in and satisfy his claim, he shall sell the article pledged, and take his own money, with interest, from the amount; if there be any remainder, the creditor is not to keep it.

IF a man acknowledges himself indebted to another, and yet refuses to pay, the creditor shall use the means above specified to recover his money, without hinderance or molestation from the magistrate; if the debtor should lodge a complaint, the judge shall fine him, and cause the creditor to be paid.

IF a man, owing another any money, should flatly deny the debt, when payment is demanded, the creditor shall not have power to take him into his own custody, but shall cause him to appear before a magistrate, and there, upon indisputable proof of the debt, shall receive his claim; but if the creditor be desirous to attach and confine his debtor, without knowledge of the judge, in this case, he shall be fined.

IF a man hath lent some *asbrufees*, and the borrower acknowledges to have received some rupees, but a less sum than the creditor pretends, also if the lender demands interest upon his loan, and the borrower asserts, to have discharged the interest already, or if the creditor affirms to have lent the money upon mere good faith, and the debtor says, that he deposited a pledge for the loan, upon a dispute of this kind, the creditor shall by no means arrest the debtor's body, without knowledge of the magistrate; should he offend this law he shall be fined.

IF a very rich man of weak understanding, and of a very mean tribe, from a principle of fraud and obstinacy, refuses to
pay

pay his debts, the magistrate shall oblige him to discharge the money claimed, and fine him double the sum.

IF a man owes money to several creditors, he shall first discharge that debt which was first contracted, and so in order.

IF a very rich man, of an excellent education, and of a superior cast, from a principle of fraud and obstinacy, refuses to pay his debts, and the creditor commences a suit against him, the magistrate shall cause the money in dispute to be paid, and shall fine the debtor one twentieth of the sum recovered.

IF a debtor and creditor are of equal casts, and, on the debtor's refusal to pay his debts, the creditor should commence a suit, the magistrate shall cause the money in dispute to be paid, and shall also fine the debtor one tenth of the sum recovered.

IF a man hath borrowed money of several people in one day, and the regular order of borrowing cannot be ascertained, the creditors shall all be paid in equal shares.

WHEN a creditor procures payment of his money by application to a magistrate, he shall give him one twentieth of the sum recovered for his interposition.

WHEN a debtor discharges his debts by instalments, he shall duly note upon the back of the bond the respective sums so paid off; the creditor also shall give a separate receipt for each payment: if the debtor omits this precaution, and the creditor also has not given a receipt for any particular payment, the sums so omitted shall not enter into the account.

C H A P. II.

Of the Division of inheritable Property.

WHEN a father, a grandfather *, a great-grandfather, and any relations of this nature decease, or lose their cast, or renounce the world, or are desirous to give up their property, their sons, grandsons, great-grandsons, and other natural heirs, may divide and assume their glebe land, orchards, jewels, coral, clothes, furniture, cattle, and birds, and all the estate, real and personal, of which the persons thus circumstanced stand possessed; such property is called *Dàie*, meaning property capable of being thus left and inherited.

Sect. I. Of inheritance from a father, a grandfather, a great-grandfather, and such kind of relations.

Sect. II. Of dividing the property of the *Berhemchàrry*, the *Sinessee*, and the *Bàn Perùst*.

Sect. III. Of a woman's property.

Sect. IV. Of the inheritance of a woman's property.

Sect. V. Of persons incapable of inheritance.

Sect. VI. Of property liable to division.

Sect. VII. Of dividing property earned by the profession of any science or art.

Sect. VIII. Of dividing property earned by a man's sons.

Sect. IX. Of possessions indivisible.

* A grandfather, in this translation, always means a father's father; a grandson always means a son's son; and all the terms of affinity, when they occur, without any restriction, are to be applied to the male line of kindred; when the female line intervenes, it is particularly specified in the expression.

Sect. X. Of a father's dividing among his sons the property earned by himself.

Sect. XI. Of a father's dividing among his sons the property left by his father and grandfather.

Sect. XII. Of sons dividing the property left by their father.

Sect. XIII. Of dividing the joint stock of persons who agree to live together, after the original separation and dispersion of the family.

Sect. XIV. Of a partner's * receiving his share of joint stock after a long space of time hath elapsed; also of the inheritance of the sons of a woman of the *Sooder* cast, by two different husbands; and also of adopted sons.

Sect. XV. Of dividing concealed effects; and of rectifying unequal divisions; and of the mode of settling the disputed shares of partners.

Sect. XVI. Of acquiring right of possession in the property of another by usufruct.

S E C T. I.

Of inheritance from a father, a grandfather, a great-grand-father, and such kind of relations.

IF a man dies or renounces the world, or for any offence is expelled from his tribe, his relations, and kindred, or is desirous to give up his property, all his possessions, be they land, or money, or effects, or cattle, or birds, go to his son; if there be several sons, they all shall receive equal shares.

* Partnership is of two sorts in the East:—First, *Sherakut-i-braderce*; second, *Sherakut-i-fejarutce*. The first is a partnership by affinity, where all the brothers or members of a family live together, have a joint stock, and are coheirs in all inheritance left to the family; this is the partnership constantly alluded to in this chapter.—Of the second sort, or partnership in trade, nothing need be said.

IF the son be dead, it goes to the grandson; if there be but one grandson, he shall obtain the whole; if there be several grandsons, they shall divide it, and all shall receive equal shares.

IF there is no grandson, it goes to the grandson's son; if there be but one grandson's son, he shall obtain the whole; if there be several sons of the grandson, they shall all receive equal shares of it.

IF from such a man as above-mentioned there should have sprung two, three, or more sons, and one of them should die, leaving behind him one or more sons, the son, thus left, shall receive his father's share from his uncles, in equal proportion with them; if the uncles be dead, he shall receive his father's share from his uncle's son.

IF a man's father and grandfather be dead, he shall receive his grandfather's share from his grandfather's brothers, in equal proportion with them; if there be no brother of his grandfather alive, he shall receive it from that brother's son.

IF a man has neither son, grandson, nor grandson's son, all his property goes to his adopted son; if there be no adopted son, it goes to the adopted son's son; if there be no adopted son's son, it goes to the adopted son's grandson.

IF there be no adopted son's grandson, then if the property has already been divided among the heirs, it goes to the wife; if it has not been divided, it goes to the brother; but the wife shall receive food and clothes.

THIS ordination is according to the *Pundits of Meet-hul*; but *Sewàrteh Behtàchàrige*, *Jeimoot Bàhun*, and *Sirree Kishen Terkàlungkàr*, and others, speak to this effect, viz. That if there be no son, nor grandson, nor grandson's son, then the husband's share of the property, whether it has or has not been divided among the heirs, shall go to his wife; if he had several

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wives,

wives, they all shall receive equal shares; if there is but one wife, she shall receive the whole.

THIS is a good ordination, and is approved: if the wife is not unchaste, and remains in her husband's house, then she shall obtain her husband's effects; if she be unchaste, and continues not in her husband's house, or if she continues in her husband's house, though unchaste, then she shall not obtain her husband's effects.

A WOMAN may give to the *Bramins* any part of the effects which she inherited from her husband, to promote his future happiness; if she gives the whole, the gift is approved, but she is blameable; she may also sell or mortgage it, to procure herself the immediate necessities of life.

IF there be no wife, the property goes to the unmarried daughter; if there is but one unmarried daughter, she shall obtain the whole; if there are several unmarried daughters, they all shall receive equal shares.

IF an unmarried daughter, who has inherited her father's effects, should afterwards marry and die, leaving a son, that son shall obtain the whole property: if she should die, leaving a daughter, that daughter shall not receive any thing.

IF she dies without having born a child, that property does not go to her husband, but in equal shares to her sisters who have children, or are capable of child-bearing: (women are to be considered as capable of child-bearing till their monthly courses entirely cease; when those courses are finally closed, it is certain, that women shall bear no more children; and a sister in this condition shall not receive any share): if there be but one sister, she shall obtain the whole; if there are several sisters, they all shall receive equal shares.

IF there is no unmarried daughter, then equal shares shall go to the daughter who has born children, and to the daughter
capable

capable of child-bearing; if there is but one daughter thus circumstanced, she shall obtain the whole, but the barren daughter, and the daughter who is a childless widow, receive nothing; but if there be no person belonging to the family of the husband of the barren daughter, or to that of the childless widow, or they should be distressed for the immediate necessities of life, in that case they shall receive food and clothes: and when it becomes certain, that the barren daughter can never bear children, she shall share in an inheritance, according to the ordination of *Jeimoot Bâhun*, and *Sirree Kishen Terkâlungkâr*, and others; and this is a good ordination, and is approved, (or rather is customary in this kingdom); but *Pâchesputtee Misr* speaks to this effect, *viz.* That if there is no daughter who has children, or likely to have them, then property shall go in equal shares to the barren daughter, and to the daughter who is a childless widow; if of these barren and widowed daughters there be but one alive, she shall obtain the whole; if there be more, they shall receive equal shares.

If there be no daughter, it devolves upon the daughter's son; if there be but one daughter's son, he shall obtain the whole; if there are several sons of the daughter, they shall all receive equal shares: this ordination is according to *Sewârteh Behtâchârige*, *Jeimoot Bâhun*, *Sirree Kishen Terkâlungkâr*, and *Gopaul Punchânun*, and is approved: *Gobind Râje* says, "That, even during the daughter's life, it shall go to the daughter's son."

If daughters who have received shares of an inheritance should die, and leave children behind them, as one son be left by one daughter, and two or more by the second, these sons shall divide the property among themselves, in equal shares, like brothers born of the same parents.

If there be no daughter's son, it goes to the father; if there be no father, to the mother; if there be no mother, to the brother born of the same parents; if there be but one brother, he

shall obtain the whole; if there are several brothers, they all shall have equal shares.

IF there be no brother by the same parents, it shall go to the brother by a different mother; if there is but one brother, he shall have the whole; if there are several brothers, they all shall have equal shares.

IF there be three, four, or more brothers, and, among them, two are brothers by blood, and the rest brothers by a different mother, who have all separated from each other, among these, if the half-brother returns to live as a companion, and the brother by blood continues separate, then the half-brother who is the companion, and the brother by blood who lives separate, shall inherit equal shares; if both the brother by blood, and the half-brother, after separation, return to be companions, property goes to the brother by blood, and not to the half-brother; if one brother by blood returns, after separation, to be a companion, and the other brothers by blood continue separate, then it goes to the brother who returned to be a companion, and those who did not return shall not receive any thing.

IF a parcel of land hath not been divided among brothers, in that case, both the brother by blood, and the half-brother, who, after separation, have all returned again to live together, shall receive equal proportion of such land; also, if after separation they have all continued to live separate, they all shall receive equal shares: and this ordination respecting the separation and reunion of brothers, and their shares in consequence, holds good also with respect to the descendants of the brother by blood and the descendants of the half-brother.

IF there be no brother, property goes to the son of the brother by blood; if there is but one son of the brother by blood, he shall receive the whole; if there are several sons, they all shall have equal shares.

IF there be no son of the brother by blood, it goes to the son of the half-brother; if there is but one son of the half-brother,
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he shall receive the whole; if there are several sons, they all shall have equal shares.

If there be no son of the half-brother, it goes to the grandson of the brother by blood, and to the grandson of the half-brother, in equal shares; if among these there be but one grandson, whether of the brother by blood, or of the half-brother, he shall receive the whole estate, if there are several grandsons, both of the brother by blood and of the half-brother, they shall receive equal shares: this ordination is according to *Se-wàrteh Behtàchàrige*, *Jeimqot Bâhun*, and *Gopaul Punchânun*, and is approved, (or customary in this kingdom): *Sirree Kishen Terkàlungkâr* says, "That, in case a grandson of the brother by blood be alive, the grandson of the half-brother shall not receive any share of the property."

If there be no brother's grandson, it goes to the sister's son; if there is but one sister's son, he shall receive the whole; if there are several sister's sons, they all shall have equal shares.

If there be no sister's son, it goes to the grandfather; if there is no grandfather, it goes to the father's mother; if there be no father's mother, to the paternal uncle; if there be but one paternal uncle, he shall obtain the whole; if there are several paternal uncles, they all shall receive equal shares.

If there be no paternal uncle, it goes to the paternal uncle's son; if there be but one paternal uncle's son, he shall receive the whole; if there are several paternal uncle's sons, they all shall obtain equal shares.

If there be no paternal uncle's son, it goes to the paternal uncle's grandson; if there be but one paternal uncle's grandson, he shall obtain the whole; if there are several paternal uncle's grandsons, they all shall receive equal shares.

If there be no paternal uncle's grandson, it goes to the son of the grandfather's daughter; if there is but one grandfather's daughter's

daughter's son, he shall receive the whole ; if there are several grandfather's daughter's sons, they shall all receive equal shares.

If there be no grandfather's daughter's son, it goes to the son of the paternal uncle's daughter ; if there is but one paternal uncle's daughter's son, he receives the whole ; if there are several paternal uncle's daughter's sons, they all shall obtain equal shares.

If there be no paternal uncle's daughter's son, it goes to the grandfather's father ; if there be no grandfather's father, to the grandfather's mother ; if there be no grandfather's mother, to the grandfather's brother ; if there is but one grandfather's brother, he obtains the whole ; if there be several grandfather's brothers, they shall all receive equal shares.

If there be no grandfather's brother, it goes to the grandfather's brother's son ; if there is but one grandfather's brother's son, he shall obtain the whole ; if there be several grandfather's brother's sons, they all shall have equal shares.

If there be no grandfather's brother's son, it goes to the grandfather's brother's grandson ; if there is but one grandfather's brother's grandson, he shall obtain the whole ; if there are several grandfather's brother's grandsons, they all shall receive equal shares.

If there be no grandfather's brother's grandson, it goes to the grandfather's father's daughter's son ; if there is but one grandfather's father's daughter's son, he shall receive the whole ; if there are several grandfather's father's daughter's sons, they all shall receive equal shares.

If there be no grandfather's father's daughter's son, it goes to the mother's father ; if there be no mother's father, it goes to the maternal uncle ; if there is but one maternal uncle, he shall receive the whole ; if there are several maternal uncles, they shall all have equal shares.

IF there be no maternal uncle, it goes to the maternal uncle's son; if there is but one maternal uncle's son, he receives the whole; if there are several maternal uncle's sons, they shall all have equal shares.

IF there be no maternal uncle's son, it goes to the maternal uncle's grandson; if there be but one maternal uncle's grandson, he receives the whole; if there are several maternal uncle's grandsons, they all shall obtain equal shares.

IF there be no maternal uncle's grandson, it goes to the grandson's grandson; if there be but one grandson's grandson, he shall obtain the whole; if there are several grandson's grandsons, they shall all receive equal shares.

IF there be no grandson's grandson, it goes to the grandson's grandson's son; if there be but one grandson's grandson's son, he shall obtain the whole; if there be several grandson's grandson's sons, they shall all receive equal shares.

IF there be no grandson's grandson's son, it goes to the grandson's grandson's grandson; if there is but one grandson's grandson's grandson, he shall obtain the whole; if there are several grandson's grandson's grandsons, they all shall obtain equal shares.

IF there be no grandson's grandson's grandson, it goes to the grandfather's grandfather; if there be no grandfather's grandfather, it goes to the grandfather's paternal uncle; if there is but one grandfather's paternal uncle, he shall obtain the whole; if there be several grandfather's paternal uncles, they shall all receive equal shares.

IF there be no grandfather's paternal uncle, it goes to the grandfather's paternal uncle's son; if there is but one grandfather's paternal uncle's son, he shall obtain the whole; if there are several grandfather's paternal uncle's sons, they shall all have equal shares.

IF there be no grandfather's paternal uncle's son, it goes to the grandfather's paternal uncle's grandson; if there is but one grandfather's paternal uncle's grandson, he shall have the whole; if there are several grandfather's paternal uncle's grandsons, they shall all receive equal shares.

IF there be no grandfather's paternal uncle's grandson, it goes to the grandfather's grandfather's daughter's son; if there is but one grandfather's grandfather's daughter's son, he shall receive the whole; if there are several grandfather's grandfather's daughter's sons, they shall all receive equal shares.

IF there be no grandfather's grandfather's daughter's son, it goes to the grandfather's grandfather's father; if there be no grandfather's grandfather's father, it goes to the grandfather's grandfather's brother; if there is but one grandfather's grandfather's brother, he shall receive the whole; if there are several grandfather's grandfather's brothers, they shall all receive equal shares.

IF there be no grandfather's grandfather's brother, it goes to the grandfather's grandfather's brother's son; if there is but one grandfather's grandfather's brother's son, he shall receive the whole; if there be several grandfather's grandfather's brother's sons, they shall all receive equal shares.

IF there be no grandfather's grandfather's brother's son, it goes to the grandfather's grandfather's brother's grandson; if there be but one grandfather's grandfather's brother's grandson, he shall obtain the whole; if there are several grandfather's grandfather's brother's grandsons, they shall all receive equal shares.

IF there be no grandfather's grandfather's brother's grandson, it goes to the grandfather's grandfather's father's daughter's son; if there is but one grandfather's grandfather's father's daughter's son, he shall receive the whole; if there are several grandfa-

ther's grandfather's father's daughter's sons, they shall all receive equal shares.

If there be no grandfather's grandfather's father's daughter's son, it goes to the grandfather's grandfather's grandfather; if there be no grandfather's grandfather's grandfather, it goes to the grandfather's grandfather's father's brother; if there is but one grandfather's grandfather's father's brother, he shall obtain the whole; if there are several grandfather's grandfather's father's brothers, they shall all have equal shares.

If there be no grandfather's grandfather's father's brother, it goes to the grandfather's grandfather's father's brother's son; if there is but one grandfather's grandfather's father's brother's son, he shall receive the whole; if there are several grandfather's grandfather's father's brother's sons, they shall all receive equal shares.

If there be no grandfather's grandfather's father's brother's son, it goes to the grandfather's grandfather's father's brother's grandson; if there is but one grandfather's grandfather's father's brother's grandson, he shall receive the whole; if there be several grandfather's grandfather's father's brother's grandsons, they shall all have equal shares.

If there be no grandfather's grandfather's father's brother's grandson, it goes to the grandfather's grandfather's grandfather's daughter's son; if there be but one grandfather's grandfather's grandfather's daughter's son, he shall obtain the whole; if there are several grandfather's grandfather's grandfather's daughter's sons, they shall all receive equal shares.

If there be no grandfather's grandfather's grandfather's daughter's son, it goes then to any one of the family who is the next near relation; if there be no near relation, it goes to one of distant affinity; if there be none of these also, then the magistrate shall obtain the effects of the *Chehteree*, the *Sooder*, and the *Bice*; and the property of the *Bramin* goes to the person who

gave the deceased the *Goiterree*: (the *Goiterree* means a charm, or *Hindoo* incantation, which is taught the *Bramin*, at the time of investing him with the *Braminical* thread).

IN default of him, it goes to the pupil whom the deceased instructed in the science of the *Beids*; if there is but one pupil, he shall receive the whole; if there are several pupils, they shall all receive equal shares.

IF there be no pupil, it goes to the fellow-student, with whom the deceased learned the science under the same tutor; if there is but one fellow-student, he shall receive the whole; if there are several fellow-students, they shall all obtain equal shares.

IF there be no fellow-student, it goes to the learned *Bramin* of the village where the deceased *Bramin* had his residence; if there is no learned *Bramin* there, the unlearned *Bramins* in that village shall obtain it; if there are no *Bramins* in that village, the *Bramins* living in the environs of that village shall receive it.

THE magistrate shall never receive the effects of a *Bramin*.

S E C T. II.

Of dividing the property of the Berhemchàrry, the Sīnassēe, and the Bān Perùst.

IF a *Berhemchàrry* dies, the man who taught the deceased the incantation *Goiterree* shall obtain his effects; in default of him, another *Berhemchàrry* shall receive them.

HE is called a *Berhemchàrry*, who, after assuming the *braminical* thread, remains in the desert twelve years, in the presence of his theological instructor, applying himself to the study of the science of the *Beids*, and who, in all that time, sees the

the face of men of no other tribe, but only of the *Bramins*, and who employs himself wholly in the worship of God.

IF a *Sinassée* dies, his effects go to his pupil in religion; in default of him, to another *Sinassée*.

HE is a *Sinassée*, who, after assuming the *braminical* thread, cuts and shaves all the hair from his head, burns the *braminical* thread, and clothing himself in two red cloths, and, carrying a *Bamboo* staff of his own height in his right hand, and an earthen pot in his left, forsakes his wife and children, and becomes a *Fakeer*.

IF a *Bàn Perùst* dies, the man who was his fellow worshipper, in the same consecrated ground, shall receive his property; in default of him, it shall go to another *Bàn Perùst*.

HE is a *Bàn Perùst*, who, after the expiration of his fiftieth year of life, renounces the world, and, dedicating himself wholly to the worship of God in the desert, returns no more to his own house.

S E C T. III.

Of a woman's property.

THAT is called a woman's property, first, whatever she receives during the *Ayàmmi Shàdee* (or days of marriage).

THE *Ayàmmi Shàdee* begins with the *Nandee Mookbeh*, (the *Nandee Mookbeh* is when the bridegroom, before the marriage exhortation is pronounced, performs the *Fàtebeh Buzurgwar**), and ends with the *Puntubbee-bàden*, that is, the salute of respect made to the bridegroom by the bride. The space of time, thus limited, is called the *Ayàmmi Shàdee*.

* The *Fàtebeh Burzurgwar* is an offering made by a man to the priests, for the repose of the souls of his father, his grandfather, &c.

WHATEVER she may receive from any person, as she is going to her husband's house, or coming from thence.

WHATEVER her husband may at any time have given her; whatever she has received at any time from a brother; and whatever her father and mother may have given her.

WHATEVER her husband, on his contracting a second marriage, may give her, to pacify her.

WHATEVER a person may have given a woman for food or clothing.

WHATEVER jewels, or wearing-apparel, she may have received from any person.

ALSO, whatever a woman may receive from any person, as an acknowledgment, or payment, for any work performed by her.

WHATEVER she may by accident have found any where.

WHATEVER she may gain by painting, spinning, needlework, or any other employment of this kind.

EXCEPT from one of the family of her father, one of the family of her mother, or one of the family of her husband, whatever she may receive from any other person.

ALSO, if the father or mother of a girl give any thing to their son-in-law, saying, at the same time, " This shall go to " our daughter," and even without any words to this purpose, at the time of making the gift, if they merely have it in their intentions, that the thing thus given should revert to their daughter: all and every of these articles are called a woman's property.

IF, among these articles here specified, a woman's husband should have given her glebe-land, orchards, or houses, if she has gained any thing by her own industry, in painting, spinning, needle-work, and such employments, and, exclusive of the family of her father, her mother, or her husband, if she has received any thing from any other person, these things, thus received, are not in her own disposal; all her other effects, except what is gotten by the three methods above-mentioned, may be disposed of in any manner agreeable to her own inclinations; but of glebe-land, orchards, and houses, of the money gained by painting, and such employments, and of the presents given her by strangers, she has not the right of disposal: and if a woman does not leave her property acquired by these three methods, or by the other means already specified, to her father, her brother, or her son, they shall not obtain it.

IF, during the time of a famine, or for the execution of some religious purpose, or on account of sickness, or to satisfy the importunate demands of a creditor, who has proceeded so far as to seize his debtor, and confine him without victuals, the husband should appropriate to himself his wife's property, without her leave, he is justifiable, nor is he obliged to return or repay what is so appropriated; but in times of plenty and prosperity, he has not power to take it; and if in times of plenty he takes it without leave of his wife, he must repay her both principal and interest; if he takes it by her consent, he shall only return what he originally borrowed.

IF a man takes the property of one of his wives, and remains attached to a second, without behaving with proper civility to the first, the magistrate shall cause her property to be restored to her.

IF a husband neglects to give his wife necessary victuals and apparel, she shall procure them by any means in her power.

WHATEVER

WHATEVER woman be of a disposition altogether malevolent, or wanting in female modesty, or careless of her property, or unchaste, such woman is incapable of possessing what has been specified to be a woman's property.

S E C T. IV.

Of the inheritance of a woman's property.

WHEN a woman dies, then, whatever effects she acquired during the *Ayàmmi Shàdee*, even though she hath a son living, shall first go to her unmarried daughter; if there is but one unmarried daughter, she shall obtain the whole; if there are several unmarried daughters, they all shall have equal shares.

AND an unmarried daughter, who has inherited her mother's effects, and afterwards marries, if she should die without having born a son, those effects do not go to her husband, but the sisters of the said daughter shall obtain them; if the daughter should leave a son, at her death, that son shall receive an equal share of his mother's property from her sisters.

IF there be no unmarried daughter, then it shall go in equal shares to the daughter who has children; and to the daughter who will have children; of these, if there is but one daughter, she shall obtain the whole property; if there are several daughters, they shall all receive equal shares.

IF there are none of these, then it shall go in equal shares to the barren daughter, and to the daughter who is a childless widow.

IF there are no barren daughters or childless widow, it shall go to the son; if there is but one son, he shall obtain the whole; if there are several sons, they shall all receive equal shares.

IF there be no son, it goes to the daughter's son; if there is but one daughter's son, he receives the whole; if there are several daughter's sons, they shall have equal shares.

IF there be no daughter's son, it goes to the grandson, (*i. e.* son's son;) if there is but one grandson, he receives the whole; if there are several grandsons, they all obtain equal shares.

IF there be no grandson, it goes to the grandson's son; if there be but one grandson's son, he shall receive the whole; if there are several grandson's sons, they all obtain equal shares.

IF there be no grandson's son, it goes to the husband's son by another wife; if there is but one son of the husband by another wife, he shall obtain the whole; if there are several sons of the husband by another wife, they all receive equal shares.

IF there be no son of the husband by another wife, it goes to the grandson of the husband by another wife; if there is but one grandson of the husband by another wife, he obtains the whole; if there are several grandsons of the husband by another wife, they shall all receive equal shares.

IF there be no grandson of the husband by another wife, it goes to the grandson's son of the husband by another wife; if there is but one son of the grandson of the husband by another wife, he shall receive the whole; if there be several grandson's sons of the husband by another wife, they shall all receive equal shares.

IF there be no grandson's son of the husband by another wife, then, in five of the forms of marriage, whatever property a woman may have acquired, after her death, goes to her husband.

Explanation

Explanation of those five forms of marriage.

- I. *Beràmeh.*
- II. *Deeyb.*
- III. *Arsh.*
- IV. *Kàndehrub.*
- V. *Peràjàput.*

First. Beràmeh, so called, when a father, with much entreaty and importunity, has procured a bridegroom of distinction, and on that account, making magnificent nuptial presents, marries him to his daughter.

Second. Deeyb, so called, when the *jugg* is first performed; (the *jugg* is thus celebrated; they pitch a tent upon a select spot of ground, and make a fire there; then they pour *ghee* upon the fire, uttering at the same time certain prayers to their deities: for the *duchneh* of this ceremony, the parents deck out their daughter with fine ornaments and handsome clothes, and give her in marriage to the *Bramin*; (the *duchneh* is that present which a man gives to a *Bramin*, whom he has procured to pray for him; in this case, the daughter is in lieu of that present).

Third. Arsh, so called, when the parents of a girl receive one bull and one cow from the bridegroom, on his marrying their daughter.

Fourth. Kàndehrub, so called, when a man and woman, by mutual consent, interchange their necklaces, or strings of flowers, and both make agreement, in some secret place; as for instance, the woman says, "I am become your wife," and the man says, "I acknowledge it."

Fifth. Peràjàput, so called, when the parents of a girl, upon her marriage, say to the bridegroom, "Whatever act of reli-

“ gion you perform, perform it with our daughter,” and the bridegroom assents to his speech.

If there be no husband, a woman's property goes to her brother; if there is but one brother, he shall obtain the whole; if there are several brothers, they all have equal shares.

If there be no brother, it goes to her mother; if there be no mother, it goes to her father.

AND under the other three forms of marriage, whatever property a woman has acquired, if there be no unmarried daughter, nor other heirs, till after the grandson's son of the husband by another wife, as hath been already specified, after her death, goes to her mother; if there be no mother, it goes to her father; if there be no father, to her husband.

Explanation of the other three forms of marriage.

- I. *Asbore.*
- II. *Ràkhus.*
- III. *Peishàch.*

First. Asbore, so called, when a man gives money to a father and mother, on his marrying their daughter, and also gives something to the daughter herself.

Second. Ràkhus, so called, when a man marries the daughter of another, whom he has conquered in war.

Third. Peishàch, so called, when, before marriage, a man, coming in the dress and disguise of a woman, debauches a girl, and afterwards the mother and father of the girl marry her to the same man.

AFTER this account of a woman's heirs, under the eight different forms of marriage, which have been explained in two sections, if none, within the limitations there specified, should

remain, then the property of a woman goes, after her death, to her husband's younger brother; if there is but one younger brother, he receives the whole; if there are several younger brothers, they all obtain equal shares.

If there be no younger brother of her husband, it goes in equal shares to the son of her husband's younger brother, and to the son of her husband's elder brother.

If there be none of these, it goes to her sister's son; if there is but one sister's son, he receives the whole; if there are several sister's sons, they shall all have equal shares.

If there be no sister's son, it goes to her husband's sister's son; if there is but one husband's sister's son, he receives the whole; if there are several husband's sister's sons, they all have equal shares.

If there be no husband's sister's son, it goes to her brother's son; if there is but one brother's son, he receives the whole; if there are several brother's sons, they shall all have equal shares.

If there be no brother's son, it goes to her daughter's husband; if there is but one daughter's husband, he shall receive the whole; if there are several daughters husbands, they shall all obtain equal shares.

If there be no daughter's husband, it goes to her husband's father; if there be no husband's father, it goes to her husband's elder brother; if there is but one elder brother of her husband, he receives the whole; if there are several elder brothers of the husband, they all obtain equal shares.

If there be no elder brother of her husband, it goes to her husband's brother's grandson; if there is but one husband's brother's grandson, he shall receive the whole; if there are several

several husband's brother's grandsons, they all have equal shares.

If there be no husband's brother's grandson, it goes to the husband's grandfather; if there be no grandfather of her husband, it goes to the husband's paternal uncle; if there is but one paternal uncle of her husband, he shall receive the whole; if there are several husband's paternal uncles, they all shall obtain equal shares.

If there be no husband's paternal uncle, it goes to her husband's paternal uncle's son; if there is but one husband's paternal uncle's son, he shall receive the whole; if there are several husband's paternal uncle's sons, they shall all obtain equal shares.

If there be no husband's paternal uncle's son, it goes to her husband's paternal uncle's grandson; if there is but one husband's paternal uncle's grandson, he shall obtain the whole; if there are several husband's paternal uncle's grandsons, they shall all receive equal shares.

If there be no husband's paternal uncle's grandson, it goes to her husband's grandfather's father; if there be no husband's grandfather's father, it goes to her husband's grandfather's brother; if there is but one brother of her husband's grandfather, he receives the whole; if there are several husband's grandfather's brothers, they shall all receive equal shares.

If there be no husband's grandfather's brother, it goes to her husband's grandfather's brother's son; if there is but one husband's grandfather's brother's son, he obtains the whole; if there are several husband's grandfather's brother's sons, they shall all receive equal shares.

If there is no husband's grandfather's brother's son, it goes to her husband's grandfather's brother's grandson; if there is but one husband's grandfather's brother's grandson, he receives

the whole; if there are several husband's grandfather's brother's grandsons, they all have equal shares.

If there be no husband's grandfather's brother's grandson, it goes to her husband's grandson's grandson; if there is but one husband's grandson's grandson, he obtains the whole; if there are several husband's grandson's grandsons, they all receive equal shares.

If there be no husband's grandson's grandson, it goes to her husband's grandson's grandson's son; if there is but one husband's grandson's grandson's son, he receives the whole; if there are several husband's grandson's grandson's sons, they shall all obtain equal shares.

If there be no husband's grandson's grandson's son, it goes to the husband's grandson's grandson's grandson; if there is but one husband's grandson's grandson's grandson, he shall obtain the whole; if there are several husband's grandson's grandson's grandsons, they all have equal shares.

If there be no husband's grandson's grandson's grandson, it goes to her husband's grandfather's grandfather; if there be no husband's grandfather's grandfather, it goes to her husband's grandfather's father's brother; if there is but one husband's grandfather's father's brother, he shall receive the whole; if there are several husband's grandfather's father's brothers, they shall all obtain equal shares.

If there be no husband's grandfather's father's brother, it goes to the husband's grandfather's father's brother's son; if there is but one husband's grandfather's father's brother's sons, he obtains the whole; if there are several husband's grandfather's father's brother's sons, they shall all receive equal shares.

If there be no husband's grandfather's father's brother's son, it goes to her husband's grandfather's father's brother's grandson; if there is but one husband's grandfather's father's brother's grandson,

grandson, he shall obtain the whole ; if there are several husband's grandfather's father's brother's grandsons, they shall all receive equal shares.

If there be no husband's grandfather's father's brother's grandson, it goes to her husband's grandfather's grandfather's father ; if there be no husband's grandfather's grandfather's father, it goes to her husband's grandfather's grandfather's brother ; if there is but one husband's grandfather's grandfather's brother, he takes the whole ; if there are several husband's grandfather's grandfather's brothers, they all receive equal shares.

If there be no husband's grandfather's grandfather's brother, it goes to her husband's grandfather's grandfather's brother's son ; if there be but one husband's grandfather's grandfather's brother's son, he receives the whole ; if there are several husband's grandfather's grandfather's brother's sons, they shall all obtain equal shares.

If there be no husband's grandfather's grandfather's brother's son, it goes to her husband's grandfather's grandfather's brother's grandson ; if there is but one husband's grandfather's grandfather's brother's grandson, he shall obtain the whole ; if there are several husband's grandfather's grandfather's brother's grandsons, they all shall have equal shares.

If there be no husband's grandfather's grandfather's brother's grandson, it goes to her husband's grandfather's grandfather's grandfather's grandfather ; if there be no husband's grandfather's grandfather's grandfather's grandfather, it goes to her husband's grandfather's grandfather's father's brother ; if there is but one husband's grandfather's grandfather's father's brother, he shall obtain the whole ; if there are several husband's grandfather's grandfather's father's brothers, they all receive equal shares.

If there be no husband's grandfather's grandfather's father's brother, it goes to her husband's grandfather's grandfather's father's

father's brother's son; if there is but one husband's grandfather's grandfather's father's brother's son, he shall receive the whole; if there are several husband's grandfather's grandfather's father's brother's sons, they shall all have equal shares.

If there be no husband's grandfather's grandfather's father's brother's son, it goes to the husband's grandfather's grandfather's father's brother's grandson; if there is but one husband's grandfather's grandfather's father's brother's grandson, he obtains the whole; if there are several husband's grandfather's grandfather's father's brother's grandsons, they shall all obtain equal shares.

If there be no husband's grandfather's grandfather's father's brother's grandson, it then goes to any one of her husband's family who is the next near relation; if there be no near relations, it goes to any one of distant affinity; if there be none of these also, then the magistrate shall obtain the property of the wife of a *Chehteree*, a *Sooder*, or a *Bice*: and the property of the wife of a *Bramin* goes to the learned *Bramins* of the village where she had her residence; if there are no learned *Bramins* in the village, she shall give it to the unlearned *Bramins*; if also there be no unlearned *Bramins* there, she shall give it to the *Bramins* of the environs.

THE magistrate shall never obtain the property of a *Bramin's* wife.

THE property of a woman (exclusive of what she received during the *Ayàmmi Shàdee*, and exclusive of what her father may have given her, before or after marriage) goes, after her death, to her unmarried daughter, and to her son, in equal shares; if there is no son, the daughter obtains the whole; if there is no daughter, the son obtains the whole; if there are several of these, they shall all obtain equal shares.

If there are none of these, then the daughter who has born children, and the daughter who will bear children, shall receive equal shares; if of these there is only one daughter, she obtains the

the whole; if there are several, they all shall possess equal shares.

If there are none of these, it goes to the grandson, (*i. e.* son's son); if there is but one grandson, he receives the whole; if there are several grandsons, they receive equal shares.

If there is no grandson, it goes to the daughter's son; if there is but one daughter's son, he obtains the whole; if there are several daughter's sons, they shall all obtain equal shares.

If there is no daughter's son, it goes to the grandson's son; if there is but one grandson's son, he shall take the whole; if there are several grandson's sons, they shall all obtain equal shares.

If there is no grandson's son, it goes to the husband's son by another wife; if there is but one son of the husband by another wife, he shall obtain the whole; if there are several sons of the husband by another wife, they shall receive equal shares.

If there is no son of the husband by another wife, it goes to the grandson of the husband by another wife; if there is but one grandson by another wife, he shall obtain the whole; if there are several grandsons of the husband by another wife, they shall all receive equal shares.

If there is no grandson of the husband by another wife, it goes to the grandson's son of the husband by another wife; if there is but one grandson's son of the husband by another wife, he takes the whole; if there are several grandson's sons of the husband by another wife, they shall all receive equal shares.

If there is no grandson's son of the husband by another wife, it goes to the barren daughter, and to the daughter who is a childless widow, in equal shares; if of these there is but one daughter, she shall obtain the whole; if there are several daughters, they must take equal shares.

If

IF there are none of these, then the property of every woman who was married, according to any one of the five first forms of marriage, goes to her husband ; if there is no husband, to her brother ; if there is but one brother, he receives the whole ; if there are several brothers, they must take equal shares.

IF there is no brother, it goes to her mother ; if there is no mother, it goes to her father ; if there is no father, then the property of a woman who was married according to any one of the three last forms of marriage, goes, after her death (if there be no daughter or other heir within the limits already before-mentioned) to her mother ; if there is no mother, to her father ; if there is no father, it goes to her husband.

IF there be no husband, then the property of every woman who was married according to any one of the eight forms of marriage goes, after her death, to her husband's younger brother ; if there is but one younger brother of her husband, he shall receive the whole ; if there are several younger brothers of her husband, they must take equal shares.

IF there is no younger brother of her husband, then it goes, in equal shares, to her husband's elder brother's son, and to her husband's younger brother's son ; if there is but one son of her husband's elder brother, or one son of her husband's younger brother, he shall take the whole ; if there are several, they shall all receive equal shares.

IF there is no son of her husband's younger brother, nor son of her husband's elder brother, it goes to her sister's son ; if there is but one sister's son, he shall take the whole ; if there are several sister's sons, they shall all obtain equal shares.

IF there be no sister's son, it goes to her husband's sister's son ; if there is but one husband's sister's son, he shall take the whole ; if there are several husband's sister's sons, they shall all receive equal shares.

If there be no husband's sister's son, it goes to her brother's son; if there is but one person her brother's son, he shall take the whole; if there are several brother's sons, they all receive equal shares.

If there is no brother's son, it goes to her daughter's husband; if there is but one daughter's husband, he shall receive the whole; if there are several daughter's husbands, they shall all obtain equal shares.

If there is no daughter's husband, it goes to her husband's father; if there is no husband's father, it goes to her husband's elder brother; if there is but one elder brother of her husband, he shall take the whole; if there are several elder brothers of her husband, they shall receive equal shares.

If there is no elder brother of her husband, it goes to her husband's brother's grandson; if there is but one husband's brother's grandson, he shall take the whole; if there are several husband's brother's grandsons, they all have equal shares.

If there is no husband's brother's grandson, it goes to her husband's grandfather; if there is no husband's grandfather, it goes to her husband's paternal uncle; if there is but one paternal uncle of her husband, he shall receive the whole; if there are several paternal uncles of her husband, they shall take equal shares.

If there is no paternal uncle of her husband, it goes to her husband's paternal uncle's son; if there is but one son of her husband's paternal uncle, he shall receive the whole; if there are several sons of her husband's paternal uncle, they receive equal shares.

If there is no husband's paternal uncle's son, it goes to her husband's paternal uncle's grandson; if there is but one husband's paternal uncle's grandson, he shall take the whole; if

there are several husband's paternal uncle's grandsons, they shall receive equal shares.

If there is no husband's paternal uncle's grandson, it goes to her husband's grandfather's father; if there is no grandfather's father of her husband, it goes to her husband's grandfather's brother; if there is but one brother of her husband's grandfather, he shall take the whole; if there are several brothers of her husband's grandfather, they shall receive equal shares.

If there is no husband's grandfather's brother, it goes to her husband's grandfather's brother's son; if there is but one son of her husband's grandfather's brother, he shall take the whole; if there are several sons of her husband's grandfather's brother, they shall all receive equal shares.

If there is no husband's grandfather's brother's son, it goes to her husband's grandfather's brother's grandson; if there is but one grandson of her husband's grandfather's brother, he shall take the whole; if there are several grandsons of her husband's grandfather's brother, they shall receive equal shares.

If there is no husband's grandfather's brother's grandson, it goes to her husband's grandson's grandson; if there is but one grandson of her husband's grandson, he shall take the whole; if there are several of her husband's grandson's grandsons, they shall all receive equal shares.

If there is no husband's grandson's grandson, it goes to her husband's grandson's grandson's son; if there is but one husband's grandson's grandson's son, he shall take the whole; if there are several husband's grandson's grandson's sons, they shall receive equal shares.

If there be no husband's grandson's grandson's son, it goes to her husband's grandson's grandson's grandson; if there is but one husband's grandson's grandson's grandson, he shall take the whole; if there are several husband's grandson's grandson's grandsons, they shall receive equal shares.

If there is no husband's grandson's grandson's grandson, it goes to her husband's grandfather's grandfather; if there be no husband's grandfather's grandfather, it goes to her husband's grandfather's father's brother; if there is but one husband's grandfather's father's brother, he shall take the whole; if there are several husband's grandfather's father's brothers, they shall all receive equal shares.

If there is no husband's grandfather's father's brother, it goes to her husband's grandfather's father's brother's son; if there is but one husband's grandfather's father's brother's son, he shall take the whole; if there are several husband's grandfather's father's brother's sons, they shall receive equal shares.

If there is no husband's grandfather's father's brother's son, it goes to her husband's grandfather's father's brother's grandson; if there is but one husband's grandfather's father's brother's grandson, he shall receive the whole; if there are several of her husband's grandfather's father's brother's grandsons, they shall receive equal shares.

If there is no husband's grandfather's father's brother's grandson, it goes to her husband's grandfather's grandfather's father; if there is no husband's grandfather's grandfather's father, it goes to her husband's grandfather's grandfather's brother; if there is but one husband's grandfather's grandfather's brother, he shall take the whole; if there are several of her husband's grandfather's grandfather's brothers, they shall all receive equal shares.

If there is no husband's grandfather's grandfather's brother, it goes to her husband's grandfather's grandfather's brother's son; if there is but one son of her husband's grandfather's grandfather's brother, he shall take the whole; if there are several sons of her husband's grandfather's grandfather's brother, they shall receive equal shares.

IF there is no husband's grandfather's grandfather's brother's son, it goes to her husband's grandfather's grandfather's brother's grandson; if there is but one grandson of her husband's grandfather's grandfather's brother, he shall take the whole; if there are several of her husband's grandfather's grandfather's brother's grandsons, they all have equal shares.

IF there is no husband's grandfather's grandfather's brother's grandson, it goes to her husband's grandfather's grandfather's grandfather; if there is no husband's grandfather's grandfather's grandfather, it goes to her husband's grandfather's grandfather's father's brother; if there is but one brother of her husband's grandfather's grandfather's father, he shall take the whole; if there are several of her husband's grandfather's grandfather's father's brothers, they shall all receive equal shares.

IF there is no husband's grandfather's grandfather's father's brother, it goes to her husband's grandfather's grandfather's father's brother's son; if there is but one son of the husband's grandfather's grandfather's father's brother, he receives the whole; if there are several of her husband's grandfather's grandfather's father's brother's sons, they shall receive equal shares.

IF there is no husband's grandfather's grandfather's father's brother's son, it goes to her husband's grandfather's grandfather's father's brother's grandson; if there is but one grandson of her husband's grandfather's grandfather's father's brother, he takes the whole; if there are several of her husband's grandfather's grandfather's father's brother's grandsons, they shall receive equal shares.

IF there is no husband's grandfather's grandfather's father's brother's grandson, it goes then to any one of her husband's family who is the next near relation; if there be no near relation, he who is of distant kindred to her husband's family shall obtain it; if there is not any one of these, then the magistrate shall take the property of the wife of a *Chehteree*, a *Sooder*, or a *Bice*; and the property of a *Bramin's* wife shall be given to the learn-

ed *Bramins* of the village where the said *Bramin's* wife lived; if there be no learned *Bramins* in that village, the unlearned *Bramins* of that village shall obtain it; if also there are no unlearned *Bramins* in that village, then it shall be given to the *Bramins* of the environs.

THE magistrate shall never obtain the property of a *Bramin's* wife.

WHATEVER a father may have given to his daughter, either before or after her marriage, such property, after her death, even though she hath a son living, goes to her unmarried daughter; if there is but one unmarried daughter, she receives the whole; if there are several unmarried daughters, they all receive equal shares.

IF an unmarried daughter, having received her mother's effects, afterwards marries, and then dies childless, that property does not go to her husband, but her sisters shall obtain it.

IF she dies, leaving a son, that son shall obtain from his mother's sisters an equal share with them.

IF there is no unmarried daughter, then it goes to the daughter who has born children, and the daughter who will bear children, in equal shares; if of these there is but one daughter, she shall take the whole; if there are several, they shall have equal shares.

IF there are none of these, then it goes, in equal shares, to the daughter who is barren, and to the daughter who is a childless widow; if there is but one barren daughter, or childless widow, she shall take the whole; if there are several, they shall obtain equal shares.

IF there is no daughter who is barren, or a childless widow, it goes to her son; if there is but one son, he shall obtain the whole; if there are several sons, they shall have equal shares.

IF

If there is no son, it goes to the daughter's son; if there is but one daughter's son, he shall take the whole; if there are several daughter's sons, they shall receive equal shares.

If there is no daughter's son, it goes to the grandson; if there is but one grandson, he shall take the whole; if there are several grandsons, they shall receive equal shares.

If there is no grandson, it goes to the grandson's son; if there is but one grandson's son, he shall take the whole; if there are several grandson's sons, they shall receive equal shares.

If there is no grandson's son, it goes to her husband's son by another wife; if there is but one son of her husband by another wife, he shall take the whole; if there are several sons of her husband by another wife, they shall receive equal shares.

If there is no son of her husband by another wife, it goes to her husband's grandson by another wife; if there is but one grandson of the husband by another wife, he shall take the whole; if there are several grandsons of her husband by another wife, they shall receive equal shares.

If there is no grandson of her husband by another wife, it goes to the grandson's son of her husband by another wife; if there is but one grandson's son of her husband by another wife, he shall take the whole; if there are several grandson's sons of the husband by another wife, they all have equal shares.

If there is no grandson's son of her husband by another wife, then the property of every woman who was married after any one of the first five forms of marriage goes, after her death, to her husband.

If there is no husband, it goes to her brother; if there is but one brother, he shall take the whole; if there are several brothers, they shall receive equal shares.

IF there is no brother, it goes to the mother; if there is no mother, it goes to the father; if there is no father, then the property of every woman who was married according to any one of the three last forms of marriage goes, after her death, (if there is no grandson's son of her husband by another wife), to her mother; if there is no mother, it goes to her father; if there is no father, it goes to her husband.

IF there is no husband, then the property of a woman who was married according to any one of the eight forms of marriage goes, after her death, to her husband's younger brother; if there is but one younger brother of her husband, he shall take the whole; if there are several younger brothers of her husband, they shall receive equal shares.

IF there is no younger brother of her husband, it goes, in equal shares, to her husband's younger brother's son, and to her husband's elder brother's son; if there is but one of these, he shall take the whole property; if there are more than one, they shall obtain equal shares.

IF there is no husband's elder brother's son, and no husband's younger brother's son, it goes to her sister's son; if there is but one sister's son, he shall take the whole; if there are several sister's sons, they shall receive equal shares.

IF there is no sister's son, it goes to her husband's sister's son; if there is but one husband's sister's son, he shall take the whole; if there are several husband's sister's sons, they shall all receive equal shares.

IF there is no husband's sister's son, it goes to her brother's son; if there is but one brother's son, he shall take the whole; if there are several brother's son, they shall receive equal shares.

If there is no brother's son, it goes to her daughter's husband; if there is but one daughter's husband, he shall take the whole; if there are several daughter's husbands, they shall obtain equal shares.

If there is no daughter's husband, it goes to her husband's father; if there is no husband's father, it goes to her husband's elder brother; if there is but one elder brother of her husband, he shall take the whole, if there are several elder brothers of her husband, they shall receive equal shares.

If there is no elder brother of her husband, it goes to her husband's brother's grandson; if there is but one husband's brother's grandson, he shall take the whole; if there are several of her husband's brother's grandsons, they shall receive equal shares.

If there is no husband's brother's grandson, it goes to her husband's grandfather; if there is no husband's grandfather, it goes to her husband's paternal uncle; if there is but one paternal uncle of her husband, he shall take the whole; if there are several of her husband's paternal uncles, they shall receive equal shares.

If there is no husband's paternal uncle, it goes to her husband's paternal uncle's son; if there is but one son of her husband's paternal uncle, he shall receive the whole; if there are several of her husband's paternal uncle's sons, they all have equal shares.

If there is no husband's paternal uncle's son, it goes to her husband's paternal uncle's grandson; if there is but one grandson of her husband's paternal uncle, he shall take the whole; if there are several of her husband's paternal uncle's grandsons, they shall all receive equal shares.

If there is no husband's paternal uncle's grandson, it goes to her husband's grandfather's father; if there is no husband's grandfather's

grandfather's father, it goes to her husband's grandfather's brother; if there is but one brother of her husband's grandfather, he shall take the whole; if there are several of her husband's grandfather's brothers, they shall receive equal shares.

If there is no husband's grandfather's brother, it goes to her husband's grandfather's brother's son; if there is but one son of her husband's grandfather's brother, he shall take the whole; if there are several of her husband's grandfather's brother's sons, they shall receive equal shares.

If there is no husband's grandfather's brother's son, it goes to her husband's grandfather's brother's grandson; if there is but one grandson of her husband's grandfather's brother, he shall take the whole; if there are several of her husband's grandfather's brother's grandsons, they shall all receive equal shares.

If there is no husband's grandfather's brother's grandson, it goes to her husband's grandson's grandson; if there is but one grandson of her husband's grandson, he shall take the whole; if there are several of her husband's grandson's grandsons, they shall receive equal shares.

If there is no husband's grandson's grandson, it goes to her husband's grandson's grandson's son; if there is but one husband's grandson's grandson's son, he shall take the whole; if there are several husband's grandson's grandson's sons, they shall receive equal shares.

If there is no husband's grandson's grandson's son, it goes to her husband's grandson's grandson's grandson; if there is but one grandson of her husband's grandson's grandson, he shall take the whole; if there are several of her husband's grandson's grandson's grandsons, they shall receive equal shares.

If there is no husband's grandson's grandson's grandson, it goes to her husband's grandfather's grandfather; if there be no husband's grandfather's grandfather, it goes to her husband's grandfather's father's brother; if there is but one brother of her

husband's grandfather's father, he takes the whole; if there are several of her husband's grandfather's father's brothers, they all receive equal shares.

If there is no brother of her husband's grandfather's father, it goes to her husband's grandfather's father's brother's son; if there is but one son of her husband's grandfather's father's brother, he shall take the whole; if there are several of her husband's grandfather's father's brother's sons, they shall have equal shares.

If there is no husband's grandfather's father's brother's son, it goes to her husband's grandfather's father's brother's grandson; if there is but one grandson of her husband's grandfather's father's brother, he shall take the whole; if there are several of her husband's grandfather's father's brother's grandsons, they shall receive equal shares.

If there is no husband's grandfather's father's brother's grandson, it goes to her husband's grandfather's grandfather's father; if there is no husband's grandfather's grandfather's father, it goes to her husband's grandfather's grandfather's brother; if there is but one brother of her husband's grandfather's grandfather, he shall take the whole; if there are several of her husband's grandfather's grandfather's brothers, they shall receive equal shares.

If there is no husband's grandfather's grandfather's brother, it goes to her husband's grandfather's grandfather's brother's son; if there is but one son of her husband's grandfather's grandfather's brother, he shall take the whole; if there are several of her husband's grandfather's grandfather's brother's sons, they shall receive equal shares.

If there is no husband's grandfather's grandfather's brother's son, it goes to her husband's grandfather's grandfather's brother's grandson; if there is but one grandson of her husband's grandfather's grandfather's brother, he shall take the whole; if there
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are several of her husband's grandfather's grandfather's brother's grandsons, they all shall receive equal shares.

If there is no husband's grandfather's grandfather's brother's grandson, it goes to her husband's grandfather's grandfather's grandfather; if there is no husband's grandfather's grandfather's grandfather, it goes to her husband's grandfather's grandfather's father's brother; if there is but one brother of her husband's grandfather's grandfather's father, he shall take the whole; if there are several of her husband's grandfather's grandfather's father's brothers, they shall receive equal shares.

If there be no husband's grandfather's grandfather's father's brother, it goes to her husband's grandfather's grandfather's father's brother's son; if there is but one son of her husband's grandfather's grandfather's father's brother, he shall take the whole; if there are several of her husband's grandfather's grandfather's father's brother's sons, they shall receive equal shares.

If there is no husband's grandfather's grandfather's father's brother's son, it goes to her husband's grandfather's grandfather's father's brother's grandson; if there is but one grandson of her husband's grandfather's grandfather's father's brother, he shall take the whole; if there are several grandsons of her husband's grandfather's grandfather's father's brother, they shall receive equal shares.

If there is no husband's grandfather's grandfather's father's brother's grandson, it then goes to any one of her husband's family who is the next near relation; if there is no near relation, it goes to one of distant affinity.

If there is not any one of these, then the magistrate shall obtain the effects of the wife of a *Chehteree*, a *Sooder*, or a *Bice*: and the property of the wife of a *Bramin* goes to the learned *Bramins* of the village where that *Bramin* had his residence; if there is no learned *Bramin*, the unlearned *Bramins* of that vil-

lage shall obtain it ; if there are none of these also, then the *Bramins* of the environs shall obtain it.

THE magistrate shall never assume the property of the wife of a *Bramin*.

Of inheriting from an unmarried girl.

WHEN an unmarried girl dies, her property goes to her brother by the same parents ; if there is but one brother by the same parents, he shall take the whole ; if there are several brothers by the same parents, they shall all receive equal shares.

IF there is no brother by the same parents, it goes to her mother ; if there is no mother, it goes to her father ; if there is no father, it goes to her brother by a different mother, if there is no brother by a different mother, it goes to the son of her brother by the same parents ; if there is no son of her brother by the same parents, it goes to the son of her brother by a different mother.

IF there is no son of her brother by a different mother, it goes to her brother's grandson ; if there is but one brother's grandson, he shall take the whole ; if there are several of her brother's grandsons, they shall receive equal shares.

IF there is no brother's grandson, it goes to her grandfather, (*i. e.* father's father) ; if there is no grandfather, it goes to her paternal uncle ; if there is but one paternal uncle, he shall take the whole ; if there are several paternal uncles, they shall receive equal shares.

IF there is no paternal uncle, it goes to the paternal uncle's son ; if there is but one paternal uncle's son, he shall take the whole ; if there are several paternal uncle's sons, they shall receive equal shares.

If there is no paternal uncle's son, it goes to her paternal uncle's grandson; if there is but one paternal uncle's grandson, he shall take the whole; if there are several paternal uncle's grandsons, they shall receive equal shares.

If there is no paternal uncle's grandson, it goes to her grandfather's father; if there is no grandfather's father, it goes to her grandfather's brother; if there is but one brother of her grandfather, he shall take the whole; if there are several of her grandfather's brothers, they shall receive equal shares.

If there is no grandfather's brother, it goes to her grandfather's brother's son; if there is but one son of her grandfather's brother, he shall take the whole; if there are several of her grandfather's brother's sons, they shall receive equal shares.

If there is no grandfather's brother's son, it goes to her grandfather's brother's grandson; if there is but one grandson of her grandfather's brother, he shall take the whole; if there are several of her grandfather's brother's grandsons, they shall receive equal shares.

If there is no grandfather's brother's grandson, it goes to her grandfather's grandfather; if there is no grandfather's grandfather, it goes to her grandfather's father's brother; if there is but one brother of her grandfather's father, he shall take the whole; if there are several of her grandfather's father's brothers, they shall receive equal shares.

If there is no grandfather's father's brother, it goes to her grandfather's father's brother's son; if there is but one son of her grandfather's father's brother, he shall take the whole; if there are several of her grandfather's father's brother's sons, they shall receive equal shares.

If there is no grandfather's father's brother's son, it goes to her grandfather's father's brother's grandson; if there is but one
grandson

grandson of her grandfather's father's brother, he shall take the whole; if there are several of her grandfather's father's brother's grandsons, they shall have equal shares.

If there is no grandfather's father's brother's grandson, it goes to her grandfather's grandfather's father; if there is no grandfather's grandfather's father, it goes to her grandfather's grandfather's brother; if there is but one brother of her grandfather's grandfather, he shall take the whole; if there are several of her grandfather's grandfather's brothers, they shall receive equal shares.

If there is no grandfather's grandfather's brother, it goes to her grandfather's grandfather's brother's son; if there is but one son of her grandfather's grandfather's brother, he shall take the whole; if there are several of her grandfather's grandfather's brother's sons, they shall have equal shares.

If there is no grandfather's grandfather's brother's son, it goes to her grandfather's grandfather's brother's grandson; if there is but one grandson of her grandfather's grandfather's brother, he shall take the whole; if there are several of her grandfather's grandfather's brother's grandsons, they shall receive equal shares.

If there is no grandfather's grandfather's brother's grandson, it goes to her grandfather's grandfather's grandfather; if there is no grandfather's grandfather's grandfather, it goes to her grandfather's grandfather's father's brother; if there is but one brother of her grandfather's grandfather's father, he shall take the whole; if there are several of her grandfather's grandfather's father's brothers, they shall receive equal shares.

If there is no grandfather's grandfather's father's brother, it goes to her grandfather's grandfather's father's brother's son; if there is but one son of her grandfather's grandfather's father's brother, he shall take the whole; if there are several of her grandfather's grandfather's father's brother's sons, they shall have equal shares.

grandfather's grandfather's father's brother's sons, they shall receive equal shares.

IF there is no grandfather's grandfather's father's brother's son, it goes to her grandfather's grandfather's father's brother's grandson; if there is but one grandson of her grandfather's grandfather's father's brother, he shall take the whole; if there are several of her grandfather's grandfather's father's brother's grandsons, they shall receive equal shares.

IF there is no grandfather's grandfather's father's brother's grandson, it then goes to any one of the family of the aforesaid girl's father who is the next near relation; if there is no near relation, then one of distant kindred shall obtain it.

IF also there is no distant relation, then the magistrate shall assume the effects of the unmarried daughter of a *Chebteree*, a *Sooder*, and a *Bice*: and the property of the unmarried daughter of a *Bramin* shall be given to the learned *Bramins* of the village where the aforesaid daughter had her residence.

IF there is no learned *Bramin* in that village, it shall be given to the unlearned *Bramins* of that village.

IF there are no unlearned *Bramins* also, it shall be given to the *Bramins* of the environs of that village.

THE magistrate shall never assume the property of the unmarried daughter of a *Bramin*.

IF, during the lifetime of a girl deceased, any person had entered into an engagement to marry her, and that person, or the mother and father of that person had made that girl any present, that gift shall revert again to the aforesaid person.

IF, after agreement to marry a daughter to a particular person, that daughter be given in marriage to another person, then
whatever

whatever present, either in money or other articles, the person first mentioned, or his mother and father had given to the girl, or whatever gift any other of that person's family had presented, on account of the intended marriage, such money and other articles shall again revert to the person aforesaid.

S E C T. V.

Of persons incapable of inheritance.

WHOEVER is born an eunuch; whoever is expelled from his tribe, his relations and kindred, for commission of any crimes; whoever is born blind; whoever is deaf from his mother's womb; whoever is an idiot; whoever cannot distinguish between good and evil; whoever has no principle of religion, whoever is dumb; whoever is born without hand, or foot, or nose, or tongue, or privy member, or fundament; whoever strikes and beats his own father, or who, after his father's death, performs not the *Seràdeh*, (religious offices to his father's memory); whoever is of such a general ill behaviour, as that his relations and partners refuse to eat or drink with him, and who lives in constant commission of those actions which are forbidden to his particular tribe by the *Beids*; whoever is so incurably disordered, as that no remedies have any effect on him, and who, on account of his disorder, is never able to perform the *Seràdeh*, the *Poojeh*, and other religious duties of this kind; whoever is afflicted with a scrophulous leprosy, or a leprosy breaking out in boils, with a perpetual discharge of blood and matter; men afflicted with these disorders, even after *peràshchut*, (or recovery), shall remain incapable of inheritance: and also, whoever wears the disguise of a *Berhemchàrry*, or a *Sinassée*, and so gains a livelihood in a fraudulent manner; whoever is seized with a *Gánsee fikkheh*, or a consumption, in which he brings up blood mingled with phlegm; whoever has professed himself a *Sinassée*; whoever procures his subsistence by an unwarrantable business or profession; all or any of these circumstances, here specified, incapacitate a man for inheritance.

BUT whoever shall supersede these persons, in the inheritance of bequeathed property, must allow them victuals and clothing; nevertheless, the man who has been expelled from his tribe shall receive nothing.

IF the sons of these people be totally free from all the objections which have been stated above, they shall receive their share of the property left for inheritance; nevertheless, the son of the man expelled from his tribe, who was born after such expulsion, shall not receive any share.

IF there are unmarried daughters of any of these, such daughters shall be maintained in victuals and clothing, until their marriage.

AND also to the wives of these (if they are not unchaste) shall be allowed victuals and clothes.

S E C T. VI.

Of property liable to division.

OF the property of a grandfather and a father; and of such property as arises from a partnership concern, and of whatever is given by a relation of equal affinity, indiscriminately, that is, without specifying the name of any particular person; as also of such gains as arise from the joint labour and united efforts of two, four, &c. persons.

* * * ALL such property is liable to division.

WHEN two or more persons are co-heirs, if any gain is made upon the common stock, then the persons by whose labour or prudent management such gain was produced, shall each receive a double share; those who did not join in the plan or execution of the business shall each receive a single share.

* * * ACCORDING to the ordinations of *Sirree Kishen Terkàlungkâr*, and *Gopaul Panchànun*.

WHEN two, four or more persons are partners, and one or two of those partners acquire any profit, each partner shall receive a share of it, proportionable to his property in the joint stock; and those who gained this profit shall first divide the whole of it into equal shares, and each take a single share; and then receive a part of what remains, proportionable to their share in the common stock.

* * ACCORDING to the ordination of *Sewàrteh Behtàchà-rige*, and *Jeimoot Bâhun*; and this ordination is approved (or rather is customary in this kingdom).

IF the property of a partnership belongs wholly to one of the partners, and the other partner performs all the labour of the business, and makes a profit upon that property, such profit shall be divided equally between them.

IF one partner both risks his property and takes also his share of the labour of business, and another partner, without risking his own property, takes only his share of the trouble and management of affairs, then he who advanced his property, and exerted his efforts, shall receive a double share; he who only contributed his efforts shall receive a single share.

IF a man, without any advance of property, should, by his own mere diligence and efforts, acquire any profit, his partners shall receive no share of it.

S E C T. VII.

Of dividing property earned by the science of the Shaster, by the art of painting, architecture, or other arts of that kind, on which a profit may be gained.

IF any person, without employment of any stock in partnership, by his own efforts, in the exertion of any art, should acquire

quire any profit, then, whichever of his partners by affinity hath a greater or equal share of knowledge with himself, he shall give to each of such partners a single share, and he shall appropriate a double share to himself; and whichever of them has less knowledge than he, or is wholly without skill in any art, shall not receive a share.

IF any person, who hath learnt any art from his father, his grandfather, his paternal uncle, his brother, or any person in his own family, should acquire any profit by that art, then whoever of the family is totally unskilled in any art, or hath less knowledge than he, shall receive a single share each; and whoever works for his own subsistence shall take a double share.

IF one person hath quitted his partners by affinity, for the purpose of learning any art, and another person of the family, unskilled in any art, expends part of his property in supporting the immediate dependants of the absentee, then he who went away, to improve himself in any art, shall take to himself a double share of any profit he may gain by that art, and shall give a single share of it to the person who supported his dependants in his absence; if those dependants were supported from the joint stock, he shall not give any thing.

IF a person learns any art from a stranger, and also receives victuals and clothes from him, his partners by affinity shall not receive any share of the profits he may gain by that art.

S E C T. VIII.

Of dividing property earned by a man's sons.

IF any man acquires a profit, upon employing his father's or grandfather's property, he shall give the half of all his gains to his father; and, if he hath not any brothers, he shall take the other half himself; if he hath brothers, he shall take to himself a double share of the remaining half, and shall give a single share to each of his brothers.

IF any person, without any advance of property, should raise any profit, he shall give the half of it to his father, and shall take to himself the other half: his partners by affinity shall not receive any share of it.

IF any person, upon employing his brother's property, should acquire any profit, of the whole of such profit he shall give one half to his father, if his father be a man of knowledge and skill; and, of the remaining half, he who raised the profit shall receive a double share; and he whose property was employed shall receive a single share; and those who employed no property shall not receive any thing: if the father be not a man of knowledge or skill, he shall receive a double share; and he who made the profit shall also receive a double share; and the man whose property was employed shall receive a single share.

S E C T. IX.

Of possessions indivisible.

IF a man by victory in war has made any prize, it shall not be liable to be shared.

IF a man has received any thing in the house of his wife's father, no share of it shall appertain to his partners (or relations).

IF a man's father or mother, out of particular kindness, hath given him any thing, no share of it shall appertain to his partners (or relations).

IF a person, without employment of the joint stock, and without equal labour on the side of his partners, (and exclusive of what a relation of equal affinity may have given him), should acquire any profit, it is not liable to be shared by his partners.

IF a father gives, by his own choice, land, houses, orchards, and the earnings of his own industry, to one of his sons, the other sons shall not receive any share of it.

EVERY man shall take of the water of a pool, or of a well, according to his necessity: no account is to be had of a greater or lesser share in this article.

EXCLUSIVE of glebe-land, if any other property of a father, or grandfather, be not occupied, and one of the partners by affinity, without employing the joint stock, and exclusive of the labour or efforts of the other partners, by permission also of the other partners, entered upon such property, it shall not be divided into shares; if, in the same manner, by permission of the partners, one of them occupies any glebe-land of his father and grandfather, then he shall divide such glebe into four shares; and from thence he shall first take to himself one share, and afterwards divide the three remaining shares equally between himself and his partners.

IN a partnership of affinity, the wearing-apparel of each partner, all the necessaries of his *sewàrree*, (or travelling equipage), the ornaments worn about his person, the vessels and dishes for meat and drink, that are in immediate use, and the slave girl, whom he has the first destined for his *hàràam*, exclusive of other girls, and also the carpets and mats for sitting and sleeping, that are in constant service, of these things, if one man expends a lesser and another a larger quantity, no account shall be had of such greater or lesser shares; and if, of these things, there are not more in the house than one for each person, they shall all receive equal shares.

THE place of *poojeh*, that is of worship, and the place of *jugg*, which has already been explained under the article of *jugg*, in the section of a woman's property, is not liable to be shared:

shared: as also the *tàgar*, or idol of adoration, is not liable to division.

THE space of ground occupied by the house-drain, the path left for the passage of the cattle, and the path of the great gate of the house, are not liable to division.

WHATEVER is immediately necessary to any person is not liable to be shared: as for instance, when two, four, &c. persons are partners, one of them hires himself as a servant, another becomes a *pundit*, another a painter, and, in this manner, they all exercise different professions, then each of them shall take of what may be in the house, according to the occasions of his own profession; if there is but one article, they shall all take equal shares of it; but if that article be any instrument belonging to the calling exercised by any one of them, that person shall take it, and shall give all his partner's their proportion of the price of it.

IF, during the lifetime of a father, all his sons, either by order of their father, or even without prohibition from their father, make for themselves houses and gardens upon their father's land, if the land so taken be in greater or lesser quantities, it is not liable to be shared; but if among these some have made, and some have not made, houses and gardens, then it shall be divided into equal shares.

S E C T. X.

Of a father's dividing among his sons the property earned by himself.

IF a father divides among his sons the property earned by himself, he shall give it according to his own choice; if it is not the father's choice, his sons shall not have authority to force him to such a division.

If a father gives to his sons, by his own choice, a small share of the property earned by his own industry, and keeps a larger portion to himself, he has the power; also if, after expending what he reserved for himself, he requires food and clothes from his sons, he shall have power to take it.

If a father divides among his sons the property earned by himself, he shall divide it among all his sons, by equal shares; but if any one of the sons hath been particularly dutiful to his father, or hath a very large family, or is incapable of getting his own living, upon these three accounts, if he gives a larger share to such sons than to the rest, he has authority for so doing.

If a father, instigated by resentment, or by a particular fondness for the mother of any one of his sons, or by the influence of any fit of sickness, divides the property acquired by himself unequally among his sons, such division is not approved.

If all the sons go at once in a body to their father, jointly requesting their respective shares of his fortune, in that case, the father shall give equal shares of the property earned by himself to the son incapable of getting his own living; to the son who hath been particularly dutiful to him, and to the son who hath a very large family, and also to the other sons who do not ly under any of these three circumstances, in this case, he shall not have power to give to any one of them more or less than to the others.

If a father has occupied any glebe belonging to his father, that was not before occupied, he shall not have power to divide it among his sons in unequal shares, as in the case of property earned by himself.

SECT.

S E C T. XI.

Of a father's dividing among his sons the property left by his father and grandfather.

IF a father desires to divide among his sons the property of his father and grandfather, whenever he altogether despairs of having a son by any one of his wives, he may divide and give it to them at his own choice; if he has hope of a son from any one wife, he has not authority to divide it.

IF it be not the father's choice, the sons have no authority to take from him by force their respective shares of their ancestor's property; even if there is no expectation that their father shall ever have another son, still they have no authority to take it.

IF a father, by his own choice, divides among his sons the property of his father and grandfather, he shall take to himself a double share, and shall give a single share to each of his sons.

IF a father divides among his sons the glebe, orchards, houses, rents, slave-girls, and slaves of his father and ancestors, to the son who hath a large family, to the son who is incapable of getting his own living, to the son who hath been particularly dutiful to his father, and to all his other sons, he shall give it in equal shares; he hath no authority to give to some more, to others less; and these things also he hath no power to sell, or to give away, without the consent of his sons.

A FATHER shall not so give away, or sell the effects and glebe belonging to himself, or to his father and ancestors, as that his immediate dependants should be distressed for want of victuals or clothing; if, reserving so much as may be necessary for the immediate food and clothes of his dependants, he should sell, or give away the rest of the property, he has authority so to sell and give away.

IF a father, exclusive of the glebe, the rents, the slave girls, and the slaves of his father and ancestors, divides the rest of their property among his sons, then, in the same manner as the property earned by himself, in giving a share to the son who hath the large family, to the son who cannot get his own living, and to the son who hath been particularly dutiful, he has power to give them a larger or a smaller share; if all the sons in a body desire their respective shares, then there shall be no one share greater or less than another.

IF a father, at the time of dividing the property gained by himself, or that of his father and ancestors, among his sons, parts the whole into twenty equal shares, and from thence gives one share to his eldest son, he has authority to do so; and he shall then divide the other nineteen parts equally between his eldest and his other sons.

IF a man, of the tribe of *Søoder*, of his own choice, gives an equal share of his property to the son born of a concubine, and to the son born of a wife, he has power to do it.

IF a father should die without having divided his property, then, whatever share the son born of a wife may receive, the son born of the concubine shall receive half as much.

IF there is no son born of the wife, nor grandson, nor grandson's son, nor wife, nor daughters, nor daughter's son, then the son born of the concubine shall receive the whole property.

IF there is a daughter's son, he shall take an equal share.

WHENEVER a person gives a share to his sons, equal with the share assumed by himself, to his wife who hath neither son, nor grandson, nor grandson's son, and to whom hath been given nought of those things which constitute a woman's property, he shall give one share, at the computation of the share of one son; if any of those things that constitute a woman's property hath
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been given to the wife, he shall give her at the computation of half the share of one son.

IF he hath given a small share to his sons, and hath reserved a larger part for himself, he shall then, from his own share, give to the wife above described one share, at the computation or rate of the share of one son.

IF a father, being separated from his sons, hath divided his property among them, according to the ordinations of the *Shaffer*, and he also taking his own share, according to the *Shaffer*, returns no more to live with his sons, afterwards if he should have another son by the same mother, this son shall receive his father's share, and also whatever acquisition of property his father may have made after such separation.

IF several sons are born after this separation, they shall all receive equal shares; and these sons shall pay whatever debts their father may have contracted after such separation.

THE sons who were first separated from their father shall not receive this latter property, neither shall they pay their father's debts; and also the son who was born after the separation shall not receive from them any share of the original property.

* * * THIS ordination concerns solely the property immediately acquired by the father.

IF a father divides the property of his father and grandfather among his sons, according to the *Shaffer*; as, for instance, he takes to himself a double share, and gives a single share to each of his sons, afterwards another son is born, then that son shall receive from his brothers an equal share of the property that was divided, and shall also receive, upon his father's death, an equal share of that part of the property which remained in his father's possession upon division.

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WHEN a father separates from his sons, and gives to them their respective shares of his property, and also takes to himself his own share, if at that time the mother of those sons be big with child, the son born after this separation shall receive an equal share from the sons who are separated; and they shall all receive equal shares of all that may be their father's property; and they shall all contribute to pay any debts which the father may have contracted.

S E C T. XII.

Of sons dividing the property left by their father.

IF a man, having a wife, and sons born from that wife, dies, or renounces the world, or gives up all his effects, or is expelled from his tribe and relations, so long as that wife lives, it is not a right and decent custom, that those sons should share, and receive among themselves the property left by that person; if the wife aforesaid gives them instructions accordingly, then the sons have authority to divide it: at the time of division, if the wife is desirous to receive a share, she shall take one share, at the rate of the share of one son; if she does not wish to have a share, she shall receive victuals and clothes.

IF a man hath given to his wife, or if the father of that man hath given to the wife, ought of those things that constitute a woman's property, then the sons of that person, at the time of sharing his property, shall give to their mother, at the computation of half the share of one person; and to any other wife of their father, having neither son, nor grandson, nor grandson's son, they shall not give a share, but shall give her victuals and clothes.

* * * THIS ordination is according to *Sewàrteh Behtàchàrige*, and *Sirree Kishen Terkàlungkàr*, and *Jeimoot Bahun*, and is approved (or customary in this kingdom).

THE father's wife, having neither son, nor grandson, nor grandson's son, shall receive an equal share with that of the son, according to the ordinations of the *Pundits* of *Methilla*.

IF all the brothers of one family, by their own choice, live together, then the elder brother, taking upon himself the command of the family, shall, in manner of a father, lend his assistance towards the support and education of his younger brothers; and the younger brothers also, considering their elder brother in the light of a father and patron, shall demean themselves conformably to his pleasure.

IF the elder brother is unfit for the management of affairs, then whichever of the brothers is most capable shall take the burden of them all upon himself, and shall govern the family.

To live together is the result of the general consent of all the partners, and to separate arises from the inclination of any one of them, therefore, if, in consequence of the inclination of one among them, they separate and divide their stock, the share of any person who is absent, and the share of him who is a child, shall be reserved for them, in some safe place, that it may not be lost or diminished.

IF all the brothers, by their own choice, selecting the twentieth part of property above-mentioned, before the general division, present it to their elder brother, and then share equally the remaining nineteen parts between the aforesaid elder brother and the younger brothers, it may be done; if it be not the choice of all the brothers, and the elder brother makes demand of this twentieth part, he shall not have power to take it.

IF any member of a partnership by affinity gives up his share, by his own choice, and leaves his partners, then the partners aforesaid, for the sake of hindering all future disputes, that none of his heirs might, at any distant period, make any demand,
shall

shall give something to that person, and take from him a written acknowledgment.

AT the time that partners by affinity take their respective shares of property bequeathed them, it is necessary, that they discharge the debts of the man whose estate they inherit; if they are unable to pay the debts, they shall pacify the creditor, and, taking their share of the property, give a promise to pay the debts hereafter, and shall pay accordingly, sooner or later, according to their shares; and if the deceased had intended to give ought to any person, they shall give that also, upon their assuming their shares of the property left to them.

AMONG partners, if one person has a very large family, and the others have but small families, then the men of small families, at the time of sharing the property, shall not have liberty to speak to the man of large family, upon account of the larger quantity of victuals and clothes expended, during the time of their living together, but shall receive, in equal shares, whatever is there collected.

IF a brother, or an unmarried sister, hath not yet performed the ceremony of having the ears bored, or of assuming the *braminical* thread, or of first tasting salt, and the other partners have all gone through these duties, then the partners, at the time of dividing their effects, shall give to these, (exclusive of their shares), whatever is necessary for the expence of these ceremonies, according to their abilities, and shall then divide, in equal shares, the rest of the property; if the whole property is not sufficient to answer the expence of these ceremonies, then the partners above-mentioned shall respectively use their endeavours, to acquire sufficiency for the performance of these duties.

IF a grandfather dies, not leaving a son, and the grandson makes division of his effects, then the wives of the grandfather, if they take their share of what he left, shall receive equal shares with the grandson.

IF they do not take their respective shares, the grandson shall give them victuals and clothes; if those wives have received what hath been described to be a woman's property, they shall receive a share, at the computation of half the share of the grandson.

S E C T. XIII.

Of dividing the joint stock of persons, who agree to live together, after the original dispersion and separation of the family.

WHEN a man, after separation, resumes again, upon a friendly footing, his connection with his father, his brother, or his paternal uncle, and an agreement is made between them, that, "My property is yours, and your property is mine," and this agreement also, on both sides, is made with upright intentions, it is called *Sung serfut-beh*.

* * * THE meaning of *Sung serfut-beh*, is, when, after a separation, a fresh connection takes place.

EXCLUSIVE of those persons above-mentioned, if a man resumes his connection with any other person, such circumstance is not called *Sung serfut-beh*.

* * * THIS is according to the ordination of *Jeimoot Bâbun*, and *Sewârteh Behtâchârige*, and is approved (or customary).

BUT the *Pundits* of *Methilla* say, that when a person, after separation from any relation whatever, resumes his connection with him, such a circumstance is called *Sung serfut-beh*.

IF two or more brothers, after separation, resume again their connection, and then separate the second time, they shall receive equal shares of their joint effects.

IF a man, after separation, resuming his former connection, hath in the mean time acquired any profit, by dint of science and industry, or by painting, or any other art, from that profit he shall take to himself a double share, and shall give to each of his partners a single share.

IF a father, after separation from his sons, resumes his connection with one or more of those sons, and, after that separation, the father should beget another son, then the sons who, after separation, resumed their connection, and every son who was born after that separation, after the death of their father, shall receive equal shares, and shall, in equal proportions, discharge the father's debts.

ALL those sons, who resumed not their connection with their father, have no concern either with the effects of their father or with the payment of his debts.

IF a father, after separation from his sons, resumes his connection with one or more of those sons, and, after that separation, the father should beget another son, if the father, after such separation, without the efforts of his sons, and without employment of the common stock, should acquire any property, that property, after the death of the father, shall be received by whatever son was born after such separation; and the others, who again resume their connection, shall not receive it.

IF the father, by employment of the common stock, and by the efforts and labour of his sons, acquires any property, it shall be divided by equal shares.

AND if the father, for his own purposes, contracts any debt, the same son who was born after the separation shall discharge them.

S E C T. XIV.

Of a partner's receiving his share of the joint stock, after a long space of time hath elapsed; also of the inheritance of the sons of a woman of the Sooder cast, by two different husbands; and also of adopted sons.

IF one of the partners by affinity, before separation, goes into another kingdom, and there fixes his residence, so that, after a long elapse of time, either he, or his son, or his grandson, or his grandson's son, or any of his descendants, should come to the partners by affinity before mentioned, and make demand of his share, he shall bring the men of credit among his neighbours, his relations, or any others, to prove his affinity to the man who fixed his residence in a foreign kingdom, and shall receive his share of inheritance.

IF a woman of the Sooder cast, who hath born a son to her husband, should take that son with her, and go to live with another man of the same cast, and, while she remains in the house of this second person, should bear to him also a son, then each son that is born to either man, after the death of that man, shall receive his particular property.

IF the mother of these sons should die, then each son shall separately inherit whatever was given to his mother by his own father; and if the mother had any other effects, exclusive of what the fathers gave, the sons shall both receive equal shares of it.

A MAN, without permission of his partners by affinity, shall neither give away nor sell to any one the joint property: if he gives away or sells a part of it, at the computation of his own share, it is approved.

BUT if he gives, or sells, or mortgages such property to a man of fraudulent principles, so that loss and vexations should

accrue thereby to the partners, the man who thus gives away, sells, or mortgages such property, is to be accounted criminal.

* * ACCORDING to the ordination of *Sewàrteh Behtàrbà-rige*, *Jeimoot Bâhun*, and *Sirree Kishen Terkàlungkâr*, and is approved.

IF any person, without permission of the partners by affinity, gives away, sells or mortgages a part of the joint property; on computation of his own share, it is approved, according to the ordination of the *Pundits of Methilla*.

IF to a man, who hath before patronized an adopted son, a son should afterwards be born of his own seed, after the death of the father, the adopted son shall receive a single share, and the begotten son shall receive a double share of his property.

S E C T. XV.

Of dividing concealed effects; and of rectifying unequal divisions; and of the modes of settling the disputed shares of partners.

IF any one of the partners by affinity, at the time of sharing and dividing their property, concealed any part of the effects, and this circumstance should afterwards appear, that part shall then be divided equally among all the other partners, and not the man who concealed it.

BUT if any one of the partners still continues suspicious, he shall undergo the *Purrikeh*, that is, ordeal, for him; whoever is not suspicious of him, he shall perform the *Purrikeh*.

IF, at the time of division of joint stock, the partners by mistake should have made an unequal distribution, it is not approved.

HE who received too large a share, whenever the mistake is proved, shall divide equally among them all the overplus of his proper portion.

AT the time of division of joint stock, if one person be a child, and any one of the partners fraudulently takes from the share of that child, to add to his own, when this circumstance comes to be proved, that child shall receive from him the balance of his share.

IF, at the time of division of joint stock, all the partners, by their own free-will, receive unequal shares, some more, some less, and are afterwards desirous to have an adjusted settlement of their shares, they shall not have the power.

EVERY kingdom has its own customs, and every town has its own customs, so every tribe has its own customs; if, according to those customs, an unequal division takes place, it is approved.

IF the mode of unequal division has passed regularly from father and ancestors, this also is approved.

IF one person of the partners by affinity should say, that "Our property has been shared," and another should say, that "It hath not been shared," and upon such a dispute they should refer their claims to arbitration; first, the arbitrators shall inquire the state of the case of the men descended from the same grandfather with the plaintiff and defendant, and who have formerly separated from the family.

IF the matter is not settled by inquiry from persons descended from the same grandfather, they shall next examine the relations and kindred of the plaintiff and defendant.

IF it is not settled by examination of the relations and kindred of the plaintiff and defendant, they shall next inquire and
examine

examine the division accounts; if there is no division account, then the arbitrators shall proceed to examine circumstances, as, whether the expence and income of the plaintiff and defendant be separate and apart.

WHETHER their agriculture and trade be on either side distinct and separate.

IF they are *Bramins*, whether one presents the *Dàn*, and the other accepts the *Dàn*: (the *Dàn* is thus performed, they pronounce a certain kind of charm, or incantation, over any thing, in the wish of a happy futurity, and give it as a present to another person): whether, between the plaintiff and defendant, a pledge is deposited by one party, and accepted by the other.

WHETHER, on either side, one be witness for the other, or one be security for the other.

WHETHER they perform the *Seràdeh Amàwus*; (that is, the ceremonies of the last night of the lunar month, which is called the Night of darkness).

AND the *Seràdeh-nowànn*, which is thus performed, in the month *Aghun*, yearly, they put together new rice, milk, sugar, candy, ripe plantains, sugar-cane, yam, cocoa-nut, ginger, and sugar-candy, and perform the *Fàtebeh Buzurgwar*.

AND the *Seràdeh Aperpukh*: (*Aperpukh* is, when, before the ten days, called *Rozidus-hàreb**, upon the days of the *Shebbi Tareckee*†, or night of darkness), which are fifteen days, sometimes in the month of *Bhàdun*, and sometimes in the month of *Assen*, they perform the *Fàtebeh Buzurgwar*): whether they perform all these *Seràdehs* separate and apart from each other.

* The days in which the pompous worship and burial of the *Hindoo* deities are celebrated.

† Or night of darkness; so called, because then the moon shines only a small part of the night.

THEN, although there be no witnesses, or division account, to prove the real state of the case, if in these ceremonies they act separately, it is to be accepted as a proof that a division has before taken place.

S E C T. XVI.

Of acquiring right of possession in the property of another, by usufruct.

A PERSON who is not a minor, (a man ceases to be a minor at fifteen years of age), nor impotent and incapable, nor diseased, nor an idiot, nor so lame as not to have power to walk, nor blind, and who, on going before a magistrate, is capable of distinguishing and taking up his own concerns, and who has not given to another person power to employ and apply to use his property, if, in the face of such a person, another man applies to his own use, for the space of twenty years, the glebe-land, or houses, or orchards of that person, without let or molestation from him, from the twenty-first year, the property becomes invested in the person so applying such things to use; and any claim of the first person above-mentioned upon such glebe, houses, or orchards, shall by no means stand good; but if the person before-mentioned comes under any of the circumstances herein before described, his claim in that case shall stand good.

* * * ACCORDING to the ordinations of *Sirree Kerràchàrige*, and *Pàlook*, and *Jògue Lògue*, and *Bheb-deeb Bhèt*, and *Sook Pánee*, and *Chendeesur*, and *Sewàrteh Behtàchàrige*; and is approved (or customary).

A PERSON who is not a minor, nor impotent and incapable, nor diseased, nor so lame as not to have power to walk, nor blind, and who, on going before a magistrate, is capable of distinguishing and taking up his own concerns, and who has not given to another person power to employ and apply to use his property,

if, in the face of such a person, another man applies to his own use, for the space of ten years, the gold and silver, the jewels, the clothes, the woven silks, the household-furniture, and iron instruments, and other goods and chattels of this kind, (exclusive of glebe, houses, and orchards), belonging to that person, without let or molestation from him, from the eleventh year, the property becomes invested in the person so applying such goods and chattels to use; and any claim of the first person before-mentioned, for possession of any such goods and chattels, shall by no means stand good.

BUT if the person before-mentioned comes under any of the circumstances herein before described, his claim in that case shall stand good.

* * * ACCORDING to the ordinations of *Sirree Kerràchàrige*, and *Pàlook*, and *Jogue Lògue*, and *Bheb-deeb Bhèt*, and *Sool Pánee*, and *Ghendeefur*, and *Sewàrteh Behtàchàrige*; and is approved.

IF any person hath occupied the glebe, houses, and orchards of another person, and applied them to his own use, and that person, within the space of twenty years, makes any let or molestation, then the glebe, houses, and orchards above-mentioned, revert to the person aforesaid; but of the produce of them, whatsoever the other person has expended, he shall not receive any thing.

EXCLUSIVE of glebe, houses, and orchards, if any person has entered upon, and applied to his own use, any other goods and chattels belonging to another person, and that person, within the space of ten years, lays claim to those goods, then the goods and chattels so claimed shall revert to that person; but if the other person has made any profit by those things, he shall not receive any of it.

IF any of the original effects be spoiled or expended, that person shall make it good, and the magistrate shall inflict upon that person the same punishment as upon a robber.

ANY thing deposited as a pledge, any thing committed to the custody of another, under hand and seal, any thing intrusted to another by *Howàleh*: (*Howàleh* is when a person, in friendly confidence, intrusts to another, his glebe-land, orchards, houses, kine, horses, elephants, camels, and such kind of cattle, as also his household-furniture, and all his goods and chattels).

THINGS intrusted in either of these three modes, if that person, without let or molestation, has applied to his own use, for a very considerable length of time, yet, when the owner afore said shall make demand for those things, he shall receive them: these kind of things do not come under the limitation of twenty years, and of ten years.

SUPPOSE a person, having applied to his own use the glebe-land, orchards and houses of a stranger, for the space of twenty years, should then die, and the son of that person also, for the like space of twenty years, having applied the same to his own use, should then die, and the grandson of that person likewise, having applied the same to his own use, for the like space of twenty years, and should then die, the glebe-land, houses and orchards above-mentioned, are applied to use, by the son of the grandson of that person.

IN this case, while the property passed through three different possessors, for the space of sixty years, if the right owner of the glebe-land, houses and orchards before-mentioned, through inattention and ignorance, hath attempted no let or molestation, in the sixty-first year, the claim of the descendants of that owner shall by no means stand good; the glebe, houses and orchards above-mentioned, shall remain in possession of the person who has applied them to use.

SUPPOSE

SUPPOSE a person, having applied to his own use the glebe, houses and orchards of a stranger, for the space of sixty years, through inattention and ignorance of the rightful owner, should die, or if he and his son together, having applied them to use, for sixty years, should then die, and his grandson also enjoys the present use of such property, in this case, if the rightful owner, or the descendants of the rightful owner, even after this term of sixty years, put in their claim, or cause any let or molestation, then the glebe, orchards and houses aforesaid, shall revert to such owner, and to the descendants of such owner; and the man who applies them to use shall not retain possession of them.

SUPPOSE a person, having applied to his own use, for more than twenty years, the glebe, orchards and houses of a stranger, should then die, and the son of that person also, having applied the same to his own use, for a less space of time than twenty years, should then die, and his grandson also, having applied the same to his own use, for twenty years, should then die, in this case, if the property has passed through three different possessors, who, having applied it to use, for the space of sixty years, are since dead, yet the son of his grandson shall not receive that glebe, but it shall go to the original owner.

IF two persons possess separate writings, as a bill of sale, a deed of gift, or a mortgage, all properly authenticated, to entitle them to the same thing; as for instance, one person has a bill of sale, or a deed of gift, and the other has a mortgage, and the same date should be upon the deeds of both claimants, or by accident the date happens to be obliterated, so that it cannot be ascertained which instrument is prior to the other.

IN that case, the property before-mentioned shall belong to that person, who, in sight of the person possessing the other deed, without let or molestation from him, has appropriated and applied that property to his own use.

SUCH

SUCH property shall not go to the man, who, not having appropriated or applied it to his own use, hath not attempted any let or molestation to the other person.

IF it hath not been applied to use by either of them, they shall both divide and receive equal shares of it.

* * * ACCORDING to the ordinations of *Pàchesbputtee Mistr*; and is approved.

Helàyoodeh speaks to this effect, viz. That he who possesses a mortgage shall receive a small share, and he who possesses a bill of sale, or a deed of gift, shall receive a larger share.

IF the path to and from a house, or the space of ground occupied by the house-drain of one person, be in the territories of another person, that person, who always hath passed to and fro, shall continue so to do; the other person aforesaid, though he hath a right of property in the ground, and hath an attested *Sunnud* thereof, shall not have authority to cause him any let or molestation.

WHEN two persons, between whom a dispute hath arisen, refer it to arbitration, the arbitrators, at the time of examination, shall esteem witnesses of more validity than opinion; and, if there be any writing produced, they shall give more credit to that writing than to witnesses.

SUPPOSE two persons should quarrel about the right of property in certain glebe-lands, or houses, or orchards, and one of them should produce a written deed, the other (after that the property in dispute has been occupied for the space of sixty years, by three following possessors, who are now dead) is the fourth person now in possession of such property.

IN that case the possession of three persons in succession is of more validity than the writing.

THE person who is in present possession shall obtain the property of such glebe-land, or houses, or orchards; and the claim of him who produces the written deed shall not be heard.

IF a man has for a long time applied to his own use the effects of a magistrate, or of a magistrate's servants, or the effects of his wife's father, or the effects of his wife, or the effects of his daughter's husband, or the effects of a *Reyot*, or the effects of a man descended from the same grandfather with himself, or the effects of his intimate friend, or the effects of his maternal uncle, or sister's son, or paternal uncle's son, or such kind of near relations and kindred, it is not approved, (*i. e.* it shall not ensure him the property of them): and if a *Bramin*, who hath read the *Beids*, should, for any considerable time, apply to his own use any person's property, it is not approved.

C H A P. III.

Of Bubhàr, that is, of Justice.

- Sect. I. Of the forms of administering justice.
- Sect. II. Of appointing a *vakeel* (or attorney).
- Sect. III. Of not apprehending an accused party.
- Sect. IV. Of giving immediate answer to a complaint.
- Sect. V. Of plea and answer.
- Sect. VI. Of two sorts of answer, proper and improper.
- Sect. VII. Of evidence.
- Sect. VIII. Of proper and improper evidence.
- Sect. IX. Of the modes of examining witnesses.
- Sect. X. Of appointing arbitrators more than once; and
of the mode of drawing up the statement
of a cause.
- Sect. XI. Of giving preference to a claim.

S E C T. I.

Of the forms of administering justice.

IF a person brings a complaint before a magistrate in the name of another, the magistrate shall make a thorough investigation of the affair; otherwise he shall by no means of himself send for the complainant, and cause him to bring on his complaint.

IF any person goes to an arbitrator of discernment, for the purpose of distinguishing the nature of his own cause, the arbitrator also may make such investigation.

WHEN an arbitrator of discernment hears any affair he shall first demand of the plaintiff, "What is your claim?" The plaintiff shall then relate his claim: afterwards he shall demand of the defendant, "What answer do you return in this case?" The defendant also shall then repeat his answer, upon thus having heard the accounts of both plaintiff and defendant. He who thoroughly investigates the nature of the affair is called an arbitrator of discernment, and such an arbitrator as this shall be chosen.

A MAGISTRATE, at the time of examination, shall have near him a man of knowledge and discernment, and officers tried by his own experience, and a learned *Bramin*, and shall then examine the cases of the plaintiff and defendant.

IF a magistrate, for any particular reason, cannot himself examine a cause, he shall delegate a learned *Bramin* as examiner; if there is no learned *Bramin*, he shall delegate a learned *Chehteree*; if there is no learned *Chehteree*, he shall delegate an intelligent *Bice* as examiner; if there is no intelligent *Bice*, he shall delegate an unlearned *Bramin* as examiner; he shall never delegate a *Sooder* as examiner upon the *Sheertee* of the *Shaster*, or *Beids* of the *Shaster*: whoever, setting aside a *Bramin*, constitutes a *Sooder* arbitrator, in any affair of the *Shaster*, the possessions and property of such a man are ruined and dissipated: if a *Sooder* examines any affairs of the *Sheertee* of the *Shaster*, he shall pay a fine to the magistrate of two thousand *puns* of *cowries*.

IF a learned man is present when an affair is examined before a magistrate, although the magistrate should not delegate him as

examiner, yet he has the liberty of uttering his sentiments to the case in point.

WHOEVER considers in the same light his friends and his enemies, and is knowing in the *Beids* of the *Shaster*, and in the *Sheertee* of the *Shaster*, and is a man of honour, and a speaker of truth, to such learned *Bramins* as these the magistrate shall give money, and every token of respect and consideration in the judgment-seat, to have them near him; but he shall not retain fewer than ten of such *Bramins*.

THE magistrate, having employed the first four *ghurries* of the day in bathing and praying, and having paid due adorations to his deity, shall sit upon the judgment-seat, to settle affairs, the space of one and a half *paufs*; at this rate, the bench will break up after the second *paufs* of the day.

IF an affair is not properly examined, or is decided unjustly, the fault is divided into four shares, and falls upon four parties, one share upon the plaintiff or defendant, whichever of them was the cause of the improper examination or decision; and one share falls upon the learned *Bramins* who partook of the improper examination or decision; and one share to the witness who gave in false evidence: if the examination is proper, the good result of it is, that whatever part of the fault belongs to the magistrate, and to the rest of those who were present upon the bench, and partook of the examination, all this fault goes to the person who made a futile and groundless complaint.

IF several persons, at the same time, make a complaint to a magistrate, or arbitrator, then the magistrate, or arbitrator, at the time of investigation, shall first examine the cause of him who has suffered the most detriments; if the causes of all the complainants are equal, he shall then examine the affair of him who is of the most honourable tribe; if all the complainants are of equal tribes, and their causes also of equal consequence, then the suit of him who first complained shall be first examined.

AT the time that the plaintiff and defendant are present before the magistrate, or arbitrator, then that magistrate, or arbitrator, shall take a man of responsibility and property as bail or security for such plaintiff or defendant; if either the plaintiff or defendant are unable to give such security, a *peiàdàc*, or guard, shall be appointed for both of them, and, in the evening, the plaintiff and defendant shall give to that *peiàdàc*, cowries sufficient for the day's subsistence.

S E C T. II.

Of appointing a vakeel (or attorney).

IF the plaintiff or defendant have any excuse for not attending the court, or for not pleading their own cause, or, on any other account, excuse themselves, they shall, at their own option, appoint a person as their *vakeel*; if the *vakeel* gains the suit, his principal also gains; if the *vakeel* is cast, his principal is cast also.

IN a cause where the accusation is for murder, for a robbery, for adultery, for eating prohibited food, for false abuse, for thrusting a finger into the *pudendum* of an unmarried virgin, for false witness, or for destroying any thing, the property of a magistrate, a *vakeel* must not be appointed to plead and answer in such cases; the principals shall plead and answer in person; but a woman, a minor, an idiot, and he who cannot distinguish between good and evil for himself, may, even in such causes as these, constitute a *vakeel*.

EXCEPT the brother, father and son of the plaintiff and defendant, if any other person, at the time of trial, should abet, and speak for either party, the magistrate shall exact a fine from him: if a brother, a father, a son or a *vakeel*, should assist, and speak for either party, it is allowed.

S E C T. III.

Of not apprehending an accused party.

IF a person is employed in celebrating a marriage, at that time, neither a creditor, nor any other person for his own concerns, shall apprehend and seize him : if the creditor, or any other person, should make complaint against him before a magistrate, the magistrate also, during the term of the marriage festivals, shall not have power to seize him.

IF a person is in a fit of sickness, until his recovery, neither his creditor, nor any other person for his own concerns, shall have power to apprehend and seize him : if the creditor, or any other person, during such sickness, makes complaint in his name, the magistrate also, during his disorder, shall not apprehend him.

IF a man is employed in the *Jugg*, the *Poojeh*, the *Dàn*, or any such religious duties, until he finds respite from those offices, neither his creditor, nor any other person upon his own concerns, shall have power to apprehend and seize him ; if a complaint is lodged against him before a magistrate, the magistrate also shall not apprehend him during that period.

IF any person is appointed *vakeel* to plead or answer in any suit, until he is released from such appointment, neither his creditor, nor any other person for his own concerns, may have power to apprehend and detain him ; if a complaint is lodged against him before a magistrate, the magistrate also shall not apprehend him.

IF any person is employed, in the magistrate's presence, upon such magistrate's affairs, until he is released from the magistrate's business, neither his creditor, nor any other person for his own concerns, shall have power to apprehend or seize him ; if a
complaint

complaint is lodged against him before a magistrate, that magistrate also shall not apprehend him.

IF any person is employed in feeding his kine, or buffaloes, or goats, or sheep, or such kind of domestic animals, until he is at leisure from such occupation, neither his creditor nor any other person for his own concerns, shall have power to apprehend and detain him; if the creditor, or any other person, lodges a complaint against him, the magistrate also, during that period, must not apprehend him.

IF any person is employed in watching his tillage, until he returns from thence, neither his creditor, nor any other person for his own concerns, may have power to apprehend and detain him; if a complaint is preferred against him before a magistrate, the magistrate also shall not apprehend him during that period.

IF any person is employed as a painter, a carpenter, a builder, or in other works of this kind, until he is at leisure from such business, neither his creditor, nor any other person for his own concerns, shall have power to apprehend and detain him; if a complaint is preferred against him before a magistrate, the magistrate also, during that period, shall not apprehend him.

IF any person is engaged in war, until the war is determined, neither a creditor, nor any other person for his own concerns, shall at that time apprehend and detain him; if his creditor, or any other person, during that period, prefers a complaint against him before a magistrate, the magistrate also shall not apprehend him.

IF any person is employed as a messenger, until he returns, neither his creditor, nor any other person for his own concerns, may have power to apprehend and detain him; if a complaint is preferred against him before a magistrate, the magistrate also, until he returns from the execution of his message, may not apprehend him.

If a person is a minor, his creditor may not apprehend him; and, if the creditor makes complaint against him before a magistrate, the magistrate also shall not have power to apprehend him.

If a season of scarcity or calamity should happen to any kingdom or town, until the calamity is ceased in that kingdom or town, a person for his own concerns shall not have power to apprehend and detain another; if a person on his own concerns makes complaint before a magistrate, the magistrate also may not apprehend a person during that period.

If any person, having a claim on another, hath preferred his complaint, the person sued must answer the suit, and settle the claim, before he can commence a suit against the other; if he makes a complaint, the magistrate shall exact a fine from him, but his suit shall not drop.

If any person has made a complaint against another, as that, "Such a person has traduced my character, or has threatened me," in that case, if the complainant had first traduced, or threatened the other, the latter, without answering the suit brought against him, may prefer a complaint against the other for abuse, or for threats.

If any person hath first abused another, or threatened him, after that, if the second should abuse or threaten the first, he is not amenable; but he, who first abused or threatened the other, shall be fined by the magistrate.

If a person, to procure a man's death, should set his house on fire, or cause him to take poison, or endeavour to assassinate him, or should seize his wife, and carry her away with him, or plunder and take away all his effects and grain, if the other should deprive such a man of life, he is not amenable: if a *Bramin* should commit such crimes as these above mentioned, his life shall not be taken away; but if such a *Bramin* should

come with intent to murder another, and that person has no means of escaping, and cannot save his own life but by the death of the *Bramin*, in that case, if he should even kill the *Bramin*, the magistrate shall not take a fine from him; also, if a cow should attempt to kill any person, and there is no way of escaping, that person may kill the cow for the preservation of his own life, and in this case he shall not be amenable.

IF two persons mutually abuse each other, or give blows to each other, and the abuse and threats are equal on both sides, the magistrate shall exact from each of them an equal fine.

IF any person first abuses another, or gives him blows, and afterwards the other returns him more abuse, and a greater number of blows, the magistrate shall exact a fine from both of them; but he who first proceeded to violence shall pay the largest fine.

S E C T. IV.

Of giving immediate answer to a complaint.

IF a person brings a suit against another for the murder of a man, in that case the accused, at the time of appearing before a magistrate, shall immediately, upon the spot, give his answer to this affair; he may not be allowed any time in giving his answer.

IF any person is apprehended on account of a robbery, that person, at the time of appearing before a magistrate or arbitrator, shall give immediate answer to this affair, and shall not be allowed any delay in speaking.

IF any person accuses another for false and scandalous abuse, the accused, when he comes before a magistrate or arbitrator, shall immediately give his answer, and not be guilty of any delay.

IF any person is apprehended upon an affair concerning a cow that produces milk, he shall not be allowed any procrastination in his answer, but shall speak his defence immediately.

ON an accusation for drinking wine, a man must not make any delay in giving his answer, he shall answer immediately to such an affair.

IF a man is apprehended, on a complaint, for criminal conversation with any of his father's wives, exclusive of her who bore him, in such a case he shall not make delay in returning his answer, but shall immediately answer to the point.

IF any person makes complaint against another, that "Such a person has destroyed some very valuable goods of mine," in such an affair the accused shall not make any procrastination in his answer; he shall answer immediately to the point.

IF any person has called a modest woman unchaste, and the woman or her husband should make complaint to a magistrate, whenever the person accused appears before the magistrate or arbitrator, he shall, upon the spot, answer to the complaint, and make no delay.

IF two persons quarrel for possession of a slave girl, and both of them should separately assert the girl to be their own property, and one of them makes complaint against the other before a magistrate, that person shall directly give his answer, and shall make no delay.

IN all other causes, except such as have been before mentioned, the defendant may require some delay, to give in his answer; but the accuser shall in no cause make any delay in his pleading.

IF either the plaintiff or defendant, being terrified, are unable to give immediate answer, then, according to the nature of
the

the affair, a time shall be appointed them for giving in their answer; if at the time appointed they are unable, either by some calamity of the season, some innovation of the magistrate, to give their answer, they are not blameable; but they shall be held to prove such calamity of the season, or innovation of the magistrate; if they cannot produce this proof, they shall incur blame; and on the time appointed, if they, with any fraudulent intent, do not give in their answer, the magistrate shall make them amenable, and they shall be cast in that cause.

S E C T. V.

Of plea and answer.

WHEN the plaintiff and defendant come before the magistrate or arbitrator, the plaintiff at that time shall give an account of the circumstances of his plea, in such a manner, that the words be few and the meaning extensive, and that no doubt of the sense of his speech may arise in the minds of any of the audience, and that the first and last parts of his plea be well connected and consistent, and the cause of the dispute shall be therein explained, and the reason why the defendant should be cast; in the same manner also the defendant, after conclusion of the plaintiff's plea, shall return his answer.

If the plaintiff gives, in writing, to the magistrate or arbitrator, a statement of his case, he shall write that statement also in the same manner that hath been above directed; and the defendant also shall write his answer after the same mode.

If the plaintiff hath delivered in a written statement of his suit, until the defendant gives in his written answer, the plaintiff may take back his representation, to alter what may be too full, or too concise, in some places, and give in a fresh corrected writing; but, if the defendant hath delivered in his written answer, the plaintiff may not correct and rewrite what may be too copious, or too contracted, of his original plea.

WHEN the plaintiff, or defendant, writes his plea or answer, it shall be written with his own hand; if he is unable to write, he shall cause it to be written by another; if the plaintiff or defendant should give one explanation of his case, and the copyist should state it another way, that copyist shall receive the same punishment as a robber.

IN a cause concerning property, if the plaintiff or defendant should be guilty of a mistake or two in the course of his pleading, he shall not, upon that account, lose his suit, but the magistrate shall fine him.

IF a person complains against another, that "Such a person has kicked me on the head," and it should afterwards appear that he has not kicked him on the head, but has struck him with his fist, that person is condemned in that suit, and he shall become amenable to the magistrate.

WHEN the plaintiff urges his plea, the defendant must answer regularly, according to the plea, and not deviate from the immediate subject of the suit.

AFTER suit begun by the plaintiff, if the defendant should abscond, after an absence of one month and an half, he shall be cast.

AFTER suit begun by the plaintiff, if the defendant delays to answer beyond seven days, he shall be cast; if an appointed day for answer be given him, and he does not give his answer in the time of that appointment, he shall be cast.

IF the plaintiff urges his plea, and the defendant denies it, in that case, when the plaintiff, by producing witnesses, can prove his suit, the defendant shall be cast.

S E C T. VI.

Of two sorts of answer, proper and improper.

THAT is a proper answer, when, after statement of the plaintiff's plea, upon the defendant's giving in his answer, he weighs his words with such nicety, that they comprehend the whole of his meaning, and no doubt arises in the audience from his pleading, and the first and last parts of his speech are well connected and consistent, and he explains himself in so clear and perspicuous a manner, that every person understands him.—This is called a proper answer.

THAT is an improper answer, which does not regularly take up the assertions of the plea; as, for instance, when the plaintiff gives a full and copious statement of his case, and the defendant makes a contracted, defective answer, or when the plaintiff's plea is concise, and the defendant's answer prolix; when there is a difference and inconsistency between the first and last parts of the answer, and when it is confused and varied, so as not to be intelligible.—This is called an improper answer.

THE two modes of answer, that have been explained above, are composed of four distinctions, *viz.*

First. Mut-hooter.

Second. Shumpertee-putt.

Third. Pertubbish Gunden.

Fourth. Perrànek Neeày.

First. Mut-hooter, that is, an answer denying the plea.

Mut-hooter has four distinctions.

1st. WHEN the plaintiff brings in a regular bill, and the defendant says, “Your plea is false.”

2d. WHEN the plaintiff brings in a regular bill, and the defendant says, " I know nothing of the matter."

3d. WHEN the plaintiff brings in his suit, as, " In such a year I deposited such goods in your hands, or lent you such a sum," the defendant answers, " In that year I was not yet born."

4th. WHEN the plaintiff brings in a regular suit, that, " In such a year, in such a place, I deposited certain goods in your hands, or lent you a sum of money," the defendant answers, that, " In the year specified, I never was at the place you mention;" upon answer being given in these four methods, the proof of the plea rests with the plaintiff.

Second. Shumpertee-putt is, when a man producing claim upon another, the person answers, " I confess that the subject of your claim is in my possession," in this case, there is no need of writing or witnesses.

Third. Pertubbish Gunden is, when a man producing a claim upon another, the person answers, " I acknowledge the justice of your claim," but, at the same time, if he has it not in his power to make good the subject of the claim, he should so express himself. *Pertubbish Gunden* also admits of three distinctions: as,

1st. WHEN a man produces a claim against another, saying, that " You owe me a debt of one hundred rupees," the person answers, " I confess to have borrowed one hundred rupees of you, but I have repaid them," in such case, the proof of the affair rests with the claimant.

2d. WHEN one man says, " Such a piece of ground belongs to me by inheritance from my father and ancestors," and another person also affirms of the same piece of ground, that " It belongs to me by inheritance from my father and ancestors,"

in this case, the proof of the affair rests with the first claimant; and, if he is unable to produce proofs, the second claimant shall then ascertain and prove his title to the ground in question.

3d, WHEN two persons lay claim to the same parcel of land, one saying, " This ground belongs to me by inheritance from
" my father and ancestors," the other replying, " I have ap-
" plied to my own use this piece of ground for the space of
" ten years, and of right it belongs to me," in this suit the former claimant is held to prove the inheritance derived from his father and ancestors; if he can prove this point, then the cause must be referred to the chapter of the *Daye Bhàg* for considering the time of the usufruct, which is explained in the section of acquiring a property in the possessions of another.

4th, *Perrànek Needày* is, when a man, upon losing his cause before a magistrate or arbitrator, says, that " My opponent, in
" this affair, was formerly cast upon a trial before such an ar-
" bitrator, and I gained my suit," in such case he who affirms to have had a verdict in his favour, upon the investigation of a former arbitrator, shall be held to produce proofs of that circumstance.

IF a man brings a suit against another, saying, " I lent you
" one hundred rupees," and the defendant answers, " I never
" received one hundred rupees, I received fifty rupees, and
" have repaid them," in this case the arbitrators shall first investigate the repayment, and afterwards make inquiry, whether the sum lent was really one hundred, or fifty rupees.

IF a man brings a suit against another, saying, " You owe
" me a debt of one hundred rupees," if the defendant answers,
" I never received one hundred rupees, I received twenty-five
" rupees, and have repaid them," in this case the arbitra-
tors shall first investigate, whether the original debt was really one hundred, or twenty-five rupees, and afterwards shall make inquiry as to the repayment; and in all cases, where the plaintiff makes a large demand, of which the defendant acknow-
ledges

ledges a part only, less than half the sum claimed, inquiry shall be conducted upon this principle here explained.

A PLAINTIFF lays his claim for one hundred rupees lent, the defendant answers, " I never borrowed from you any part " of it," but at the same time the plaintiff hath in his hand a bond for one hundred rupees, and it therein appears that the defendant had repaid fifty rupees, and there are witnesses to this circumstance, in such a case, the arbitrator shall first investigate the bond, and then examine the witnesses.

IF a man brings a regular suit against another, and that person absolutely denies the claim, in that case, the plaintiff shall be held to prove his claim; if the plaintiff has neither writing nor witnesses for his proof, the defendant shall perform the *Purrikeh*, (that is, an ordeal), to satisfy the other.

IF a man brings a suit against another, who answers, " I am " in doubt about this affair," such plea is not to be admitted as an answer; in that case, the plaintiff shall prove his claim by a deed, by witnesses, or by usufruct on the part of the defendant; if he fails in these three modes, he shall take his oath, or perform the *Purrikeh*: in every affair, where a deed, witnesses, or proof of usufruct cannot be produced, an oath must be taken, or the *Purrikeh* performed.

IF a man brings a suit against another, saying, " I have lent " you several different articles," and the person answers, " I " never received one of the articles you mention," in that case, if the plaintiff proves any one of all the articles claimed, to be in the defendant's possession, the magistrate shall cause the whole so claimed to be restored: in this affair, it is not the fault of the magistrate; if the plaintiff, having made his claim for several things, should add afterwards, that, " Another article is still in your possession, which, by mistake, I formerly omitted to " mention in my suit;" such a claim is not approved; according to the ordinations of *Sewârteh Behtâchârige*, and this ordination is approved (or customary).

IF a man brings a suit against another, saying, "I have lent you several different articles," and that person answers, "I have not received any thing; if you can prove my receipt even of one article, I will make good the whole of your claim," in that case, if the person can prove any one article, the other shall be held to make good the whole; according to the ordination of *Jògue Lògue*, and the *Pundits* of *Methilla*.

IF a man hath accused another of the murder of a man, or of a robbery, or of adultery, and should say, "You have in several places been guilty of these crimes," and the defendant denies the accusation, in such a case, if the accuser can prove upon the other the commission of any one of these crimes, it shall be a proof of the whole complaint.

IF a man brings a suit against another, saying, "I have intrusted several articles, (or) I have lent a sum of money to your father, or uncle, or grandfather," which he demands should be returned, and the other denies the affair, saying, "I know not the least of this matter, prove your claim, and receive it," in that case, whatever article the plaintiff can prove he shall receive, and whatever he cannot prove he shall not receive.

WHEN two persons upon a quarrel refer to arbitrators, those arbitrators, at the time of examination, shall observe both the plaintiff and defendant narrowly, and take notice, if either, and which of them, when he is speaking, hath his voice falter in his throat, or his colour change, or his forehead sweat, or the hair of his body stand erect, or a trembling come over his limbs, or his eyes water, or if, during the trial, he cannot stand still in his place, or frequently licks and moistens his tongue, or hath his face grow dry, or, in speaking to one point, wavers and shuffles off to another, or, if any person puts a question to him, is unable to return an answer; from the circumstances of such commotions, they shall distinguish the guilty party.

IN a suit where one of the parties, be it either plaintiff or defendant, produces a writing, which the other doth not approve or allow, the possessor of that writing shall not gain his suit, until he can confirm it by proof. The mode of ascertaining a writing is this, that he shall produce another copy of the man's writing, who, with his own hand, drew out the writing in question, and so prove its authenticity.

IF a man brings a suit against another, and can by any means produce proof of his claim, the cause shall be decreed in his favour.

A WRITING is of two sorts, first, that which a man writes with his own hand; second, that which he procures to be written by another: of these two sorts, that which is written by a man's own hand, even without witnesses, is approved; and that written by another, if void of witnesses, is not approved.

WHEN a debtor, having caused his bond to be written by another person, and, having procured witnesses to it, hath borrowed money upon it, after that, supposing that the witness who signed his name upon the bond, and he also, by whose hand the bond was written, are both dead, and the debtor and creditor also are dead, and a dispute arises between the sons of the debtor and creditor concerning this bond, the son of the debtor saying, "I know nothing of this bond," then, if the creditor, or sons of the creditor, at the time when the bond became due, had demanded their money from the debtor, in the presence of some other persons, and had caused the bond to be read by three or four people, and can prove this circumstance, the bond is approved; but if any article had been pledged, then, even without previous demand of the sum due by the bond, before other persons, and without having caused it to be read, the bond is approved.

IF a lender of money says to a person, "A debt due to me
"is outstanding in your hands," and that person denies the
debt,

debt, if at that time the bond is not in the lender's hands, but should be in some other kingdom, then, until he brings the bond from such other kingdom, the suit shall not be determined.

IF it should happen that a bond in a creditor's possession should be burnt, or some of the letters in it are become invisible, or the bond be stolen from him, or by any means be spoiled, and, upon demand of the sum due, the debtor should refuse payment, in that case, the creditor shall bring any person who had formerly seen the bond, and shall prove the bond by his evidence.

IF a bond in a creditor's possession should chance to be torn, or the letters should be obliterated, or the bond by any means be spoiled, the creditor shall cause the debtor, in such case, to write a fresh obligation.

IF a man hath, for any reason, executed a bond, in the name of another person, and borrowed a sum of money on account of it, and afterwards, upon the creditor's demanding payment of the man, from whom he received the bond, that person should answer, " I never borrowed any money of you, if I have so borrowed, produce my bond," the creditor says, " You borrowed money of me upon a bond, written in the name of another person," which other person says, " I never borrowed any money of you, but, as a strict intimacy subsisted between the borrower and me, he gave the bond in my name, and converted the money to his own use," on a dispute of this nature, the arbitrator shall first examine the connection that subsisted at the time of the execution of the bond in question, between the borrower of the money and him in whose name the bond was passed, and whether or no they are near relations; from these two circumstances he shall form his judgment, and also from the evidence of the witnesses who originally attested the bond.

IF a person possesses the title-deed of any article, and another person, by intervention of his own, renders that deed unapproved, in that case he who possesses such a writing shall reduce it to proof; but if that person should be dead, after having applied the article in point to his own use, the son of that person shall not be held to prove the title-deed, but shall prove his father's usufruct.

IF a person, possessing the title-deed of any article, should die, without having applied that article to his own use, in that case his son shall be held to prove the validity of the title-deed.

IF a lender of money should say to a person, "You owe me a sum of money, I demand payment," to which demand that person makes no reply, after that, he again makes the same demand, and in like manner receives no kind of answer, after a repetition of such demand for five several times, if that person should say to the claimant, "I owe you nothing," upon such a suit the magistrate shall cause that person to pay the claimant the money demanded.

IF a plaintiff prefers a claim, and the defendant denies it, then, upon proof of the justice of the claim, the magistrate shall cause the money in dispute to be paid to the plaintiff, and shall also exact a fine from the defendant.

IF a person, who hath brought a suit against another, can ascertain his claim by the evidence of witnesses, by a writing, by proof of usufruct, by opinion of arbitrators, by the *Purrikeh*, or by an oath, the suit shall be given in his favour: if he cannot prove it by any of these means, he is culpable, even if he acknowledges the fault he has committed, he shall still be deemed culpable.

S E C T. VII.

Of evidence.

WHOEVER has seen a transaction with his own eyes, or has heard it with his own ears, such a person is a witness.

WHEN a plaintiff or defendant have not applied to a witness, who is conscious of any transaction, desiring him to appear as a witness in their cause, if the magistrate or arbitrator summon such a witness, and question him as to the circumstances of the transaction, such part of his evidence as relates to what he has seen with his own eyes, and heard with his own ears, is approved.

WHEN a person, being witness of any transaction, hath explained the circumstances of that transaction to another person, the plaintiff or defendant may constitute such person as a witness, to testify whatever was explained to him by the other; such person is called a secondary witness; and the evidence delivered by such secondary witness is approved.

IN a suit concerning limits and boundaries, whoever is acquainted with the true state of those limits and boundaries, without being appointed witness in the cause, may deliver in his evidence.

IF a plaintiff or a defendant secretly hides a person where he may overhear the discourse, and then asks a witness the true circumstances of the case, and that person with his own ears hears the relation of the witness, such person is called a hidden witness, and the evidence of a hidden witness is true.

HE who is a witness shall keep by him a written statement of every transaction, in which he is a witness, that, even after a considerable space of time, he may be enabled to recollect it,

A WIT-

A WITNESS, a borrower, or a principal in any other affair, shall write with his own hand an account of every affair so concerning him; if he does not know how to write himself, he shall cause it to be written by another.

S E C T. VIII.

Of proper and improper evidence.

A MINOR until fifteen years of age, one single person, a woman, a man of bad principles, a father, or an enemy, may not be witnesses; but if the father and the enemy are men of good disposition, and speakers of truth, and men are well acquainted with the goodness of their disposition and veracity, these two persons may be witnesses.

HE who regulates his actions by the *Beids* and *Sheerut* of the *Shaster*, three such men shall be appointed evidences; less than this number shall not be made witnesses; and this order is in the chapter concerning affairs of a long space of time.

MEN of every tribe shall appoint witnesses from their own tribe, as a *Bramin* shall appoint a *Bramin*, a *Chehteree* shall appoint a *Chehteree*; and so, in regard to each tribe, men of the same tribe shall be constituted witnesses; a woman also shall appoint a woman her witness; but upon the time of any transaction, if a person of the same tribe happens not to be present, a witness shall be appointed from those upon the spot, to whatever tribe they may chance to belong.

IF the plaintiff or defendant, at their own option, appoint a single person only, known to be a man of veracity and good behaviour, as their witness, that single person also may become a witness; also a person who is not of a good disposition, yet not fraudulently inclined nor avaricious, if such a person be agreeable to both plaintiff and defendant, he may, though single, be a witness.

IF the *Serwuttee*, or *Bramins*, learned in the *Beids*, give evidence, nine of them are required; if there are not nine, there must be seven; if there are not seven of them, there must be five; if there are not five of them, there must be four; if there are not four of them, there must be three; if there are not three of them, two shall give evidence; a single *Bramin*, learned in the *Beids*, cannot be a witness.

A *Bramin Serwuttee*, or learned in the *Beids*, a devotee become very infirm, and a *Sinasse*, shall not be witnesses; but if these have seen a quarrel between two persons, and of themselves deliver in evidence, it is approved.

HE who hath killed a man, or who is guilty of theft, of adultery, or of false abuse, or who, enticing a man to himself, by treachery and deceit, deprives him of life, and destroys his effects, or whoever is a juggler, and is constantly employed in games of dice and chances, or whoever is a perpetual wrangler, such persons shall not be witnesses.

A SLAVE of either sex, a blind man, a woman, a minor until fifteen years of age, an old man of eighty years, a man afflicted with a leprosy, one guilty of murder, of theft, of adultery, or of false abuse, or who, enticing a man to himself, by treachery or deceit, deprives him of life, and destroys his effects, or whoever is constantly employed in games of dice and chances, or who is a perpetual wrangler, or a juggler, such persons, in affairs of murder, of theft, of adultery, and of false abuse, may not be witnesses: in these four cases, one single man of veracity and good conduct, with whose good disposition and love of truth men are well acquainted, may alone be a witness.

SUPPOSING a person to lend another money secretly, or secretly to intrust his property to the care of another, in such affairs, one single person is a sufficient witness.

S E C T. IX.

Of the modes of examining witnesses.

HE who means to question a witness, having bathed himself, shall put his questions in the tenth *ghurrie* of the day; the witness also, having bathed himself, and turned his face towards the eastern or northern quarter, shall deliver his evidence: the examiner shall ask the witness (if a *Bramin*) with civility and respect, saying, “ Explain to me what knowledge you have of
“ this affair;” and to a *Chebteree* he shall say, “ What do you
“ know of this affair? speak the truth; and to a *Bice* he shall say, “ What do you know of this affair? if you give false evidence, whatever crime there is in stealing kine, or gold, or
“ *paddee*, or wheat, or *gram*, or barley, or mustard, and such
“ kind of grain, shall be accounted to you;” and to a *Sooder*, he shall say, “ What do you know of this affair? speak; if your
“ evidence is false, whatever crime is the greatest in the world,
“ that crime shall be accounted to you.”

HE who means to take an evidence shall separately explain the religious merit of faithful testimony, and the horrid nature of the crime of false witness; as that the merit of a true deposition is greater than the merit of a thousand *Asbummeed Juggs*: (An *Asbummeed Jugg* is when a person, having commenced a *Jugg*, writes various articles upon a scroll of paper, on a horse's neck, and dismisses the horse, sending along with the horse a stout and valiant person, equipped with the best necessaries and accoutrements to accompany the horse day and night, whithersoever he shall chuse to go; and if any creature, either man, genius, or dragon, should seize the horse, that man opposes such attempt, and, having gained the victory upon a battle, again gives the horse his freedom: if any one in this world, or in heaven, or beneath the earth, would seize this horse, and the horse of himself comes to the house of the celebrator of the *Jugg*, upon killing that horse, he must throw the flesh of him upon the fire of the *Juk*, and utter the prayers of his deity;
such

Such a *Jugg* is called a *Jugg Asbummeed*, and the merit of it as a religious work is infinite). And the crime of false witness is the same as if a man had murdered a *Bramin*, or had deprived a woman of life; or had assassinated his friend; or of one who, in return for good, gives evil; or who, having learned a science or profession, gives his tutor no reward; or of a woman who, having neither son, nor grandson, nor grandson's son, after her husband's death, celebrates not the *Seràdeh* to his memory; or of a son, who celebrates not the *Seràdeh* for his father and mother; or of him, who, having received a kindness, is always mentioning the faults of his benefactor, and conceals the benefit received; or of him, who forsakes any one of the four *Isrum*, or modes of life: (the four *Isrum* are a *Berhemchàrry*, a *Sinassée*, a *Bàn Perùst*, and a householder; of these the *Berhemchàrry*, the *Sinassée*, and the *Bàn Perùst*, have already been explained in the chapter of *Daye Bhàg*: and a householder is he who hath a wife, a son, a brother, and grandson; or, if he hath not these, who nevertheless keeps a house). Whatever crime is incurred in such actions as above mentioned, the same crime is incurred by giving false witness.

IN an affair concerning kine, if any person gives false evidence, whatever guilt is incurred by the murder of ten persons, he becomes obnoxious to the punishment due to such a crime, besides the guilt already explained.

IN an affair concerning a horse, if any person gives false evidence, his guilt is as great as the guilt of murdering one hundred persons.

BESIDES kine and horses, in an affair concerning any other animal that hath hair upon its tail, if any person gives false evidence, whatever guilt is incurred by the murder of five persons, that guilt shall be imputed to him.

IN an affair concerning a man, if any person gives false evidence, whatever guilt is incurred by the murder of one thousand persons, he becomes amenable to the punishment of such guilt.

IN an affair concerning gold, if any person gives false evidence, whatever guilt would be incurred in murdering all the men who have been born, or who shall be born in the world, shall be imputed to him.

IN an affair concerning land, if any person gives false evidence, whatever guilt would be incurred by the murder of all living creatures in the world, he shall be liable to the punishment due to such guilt.

WHEREVER several persons are witnesses to one point, the arbitrators, at the time of examining the witnesses, shall question such witnesses in a body together, and shall not examine them separately; these witnesses also shall all deliver in their evidence, at once, jointly.

WHEREVER several persons are witnesses separately, and to different points, the arbitrators, at the time of examining the evidences, shall not question any one of these witnesses in the presence of the rest; the witnesses also shall each of them separately give their own evidence out of hearing of the rest.

WHEN a witness is to give his evidence, he shall testify, without having any scruple of doubt remaining in his mind.

WHEN a man is appointed a witness, if he will not give his evidence, whatever guilt is incurred by false evidence, the same guilt shall be imputed to him; and the magistrate shall exact from him the same fine as from a person guilty of false witness.

IF the plaintiff or defendant in a cause have appointed any person a witness, and afterwards should say to him, "What ever you know of our case, tell it to another person," and the witness upon this relates the affair to another, afterwards, when the arbitrator, having summoned this witness, proceeds to examination, if that witness should say, "I know not this affair," in that case, whatever is the value of the article in dispute, he shall

shall pay a fine of eight times as much : if a *Bramin*, being appointed a witness, should be guilty of this practice, a fine shall not be exacted from him, but he shall be banished the kingdom.

WHEREVER a true evidence would deprive a man of his life, in that case, if a false testimony would be the preservation of his life, it is allowable to give such false testimony ; and, for ablution of the guilt of false witness, he shall perform the *Pog-jeh Serefstee* : but to him, who has murdered a *Bramin*, or slain a cow, or who, being of the *Bramin* tribe, has drunken wine, or has committed any of these particularly flagrant offences, it is not allowed to give false witness in preservation of his life,

IF a marriage for any person may be obtained by false witness, such falsehood may be told ; as upon the day of celebrating the marriage, if on that day the marriage is liable to be incomplete, for want of giving certain articles, at that time, if three or four falsehoods be asserted, it does not signify ; or if, on the day of marriage, a man promises to give his daughter many ornaments, and is not able to give them, such falsehoods as these, if told to promote a marriage, are allowable.

IF a man, by the impulse of lust, tells lies to a woman, or if his own life would otherwise be lost, or all the goods of his house spoiled, or if it is for the benefit of a *Bramin*, in such affairs falsehood is allowable.

IN a case where there are many witnesses, if, at the time of examination, most of them give their evidence for one person, and one or two of them depose in favour of the other party, the evidence of the majority is approved ; if of the whole number of witnesses half depose for one side, and half for the other, then the evidence of any one of the witnesses who is a man of science shall be credited ; if they are all men of science, the evidence of him among them who is the farthest advanced in knowledge is approved ; if the knowledge of all of them is equal, the testimony

timony of him among them who regulates his whole conduct by the *Beids* is approved; if they all regulate their conduct by the *Beids*, and the evidence of such men is contradictory, then such a suit as this cannot be decided by the testimony of witnesses; but the *purrikeh* must be performed.

IN every suit where there is a witness and a writing, or a proof of usufruct, there shall be no obligation to perform the *purrikeh*.

IF either the plaintiff or defendant defame the character of a witness, whose conduct is unblemished, for such defamation of a spotless character, the magistrate shall exact a fine from that person.

S E C T. X.

Of appointing arbitrators more than once; and of the mode of drawing up the statement of a cause.

THE arbitrators at the time of having made an examination, shall write a *jee potr*, (*i. e.* a statement and decree), and they shall draw it up in this manner:

First, THEY shall write whatever the plaintiff urged as the matter of his claim.

Second, AFTER that, they shall write whatever answer the defendant gave to that plea; then they shall state whatever evidence was delivered in by the witnesses; or, if a writing was given in, they shall express the contents of it; or otherwise they shall write the circumstances of usufruct, or of opinion, or of the *purrikeh*, or of the oath; afterwards they shall write the names of all the arbitrators who were present: in this manner, upon whatever principle the examination proceeded, shall a statement be drawn up, *viz.* We, being such and so many persons, have made this examination to the best of our knowledge.

EVERY

EVERY cause that comes to a proof from the face of a writing, or from witnesses, and the plaintiff and defendant are wearied out with vexation of the dispute, the arbitrators, at the option of the plaintiff and defendant, shall adjust and determine it.

WHEN the arbitrators have made a thorough examination, if he who is proved culpable goes afterwards with complaint to a magistrate, the magistrate shall not give him another arbitrator; but should that man assert, that “The arbitrators have committed injustice; if they have not committed injustice, I will forfeit a fine of double the sum now in dispute;” upon a proposition of this nature, the magistrate may appoint other arbitrators.

IF the arbitrators have committed injustice, and the plaintiff can bring this matter to a proof, then the magistrate shall appoint other arbitrators, and shall hold the former arbitrators amenable.

IF a man is convicted by his own words, and afterwards petitions the magistrate for other arbitrators, in that case, the magistrate shall not give him other arbitrators.

IF an arbitrator hath made his examination under the impulse of lust, or enmity, or in sickness, or through fear, or positiveness, or anger, it is not approved.

S E C T. XI.

Of giving preference to a claim.

IF the same article be sold or pledged, or given away, at twice, to two different persons, the first transaction is approved; in all other cases the latter.

IF any person, having sold any article to one person, sells the same thing afterwards to another; or, having pledged it once any where, pledges it a second time at another place; or, having once given it to one, afterwards presents it to another; then he who first bought it, or who first received it in pledge, or to whom it was first given, is to be believed; and the last purchaser, pledgee, or acceptor, is not approved.

IF a man hath borrowed money from another upon agreement for a small interest, and afterwards, at his own option, consents to an increased rate of interest, the former agreement is to be believed.

IF a man, having deposited any article with one person, should afterwards give the same thing as a pledge, or should sell it, or present it to another, then it shall belong to him who bought it, or to whom it was pledged or presented.

IF a man, having pledged any article with one person, should afterwards sell or give it away to another, in that case, the article above-mentioned shall go to him who bought it, or to whom it was given; but he, in whose hands it was detained as a pledge, shall receive the money due to him from his debtor; if the debtor is dead, or hath absconded, he shall receive the sum of his debt from him who hath bought the article, or to whom it was given.

C H A P. IV.

*Of Trust or Deposit.**Trust or deposit is of three sorts.*

First, **W**HEN a man intrusts his property to another, upon this consideration, viz. That, if I deposite any thing with this man, I shall most certainly recover it again:—such trust is called *Neekheep*.

Second, **W**HEN a person, from suspicion of the magistrate, or of thieves, or from a desire that his heirs should not get possession, intrusts his property to another:—this is called *Neeash*.

Third, **W**HEN a man intrusts his property to another, and that person makes over the same property in trust to a second, informing him, at the same time, that such property belongs to such a person, and must be returned to him:—such trust is called *Enahut*.

IN the place where a man resides, it must be inquired, whether he be of a good family, of approved conduct, of religious principles, and a speaker of truth, whether he be very rich, and hath many friends and relations; when these circumstances are favourable, property shall be trusted to such a person.

IF a man, having sealed and marked his property, hath delivered it in trust to any person, the trustee, upon re-delivering such goods, shall return them with the same seal and mark; if there be not the same seal and mark, he shall undergo the *pur-rikeh*, or take his oath concerning the alteration of the property in trust.

IF a person should make use of any property intrusted to him, or it be spoiled for want of his care and attention, then, whatever crime it is for a woman to abuse her husband, or for a man to murder his friend, the same degree of guilt shall be imputed to him, and the value of the trust must be made good.

A MAN ought not to take upon himself the trust of another's property; if he accepts such trust, he must preserve it with care, and return it upon the first demand.

IF a person hath intrusted any of his property to another, the son of that person should demand the property so intrusted, the trustee shall not deliver the deposit without order of the father.

IF a man who hath intrusted any property to another should die, and the son of the deceased does not demand his father's property, yet the trustee shall of himself deliver up the trust to that son.

IF a man hath received in trust the property of another person, and that property, together with his own effects, should be spoiled, in that case, he shall not make good the penalty upon the property in question; and if it be spoiled by any unforeseen accident, or by the innovation of the magistrate, in that case also, he shall not make good the value.

IF, at any time, in any manner, the property in deposit be spoiled by the fault of the trustee, he shall make it good.

IF property in deposit should fall into the water, or be burnt, or stolen, and the trustee conceals any part of it that may happen to have been saved, and this circumstance can be proved, in that case, he shall make good the whole property.

IF a person hath intrusted his property to another for a settled time, or hath deposited it with this agreement, " That when-

“ soever the necessities of my own affairs shall cause me to re-
 “ mand my property, it shall be returned to me,” then, if ac-
 cording to such promise, or the appearance of the depositor’s
 affairs, application be made, and the trustee refuses to deliver
 the property, and after such refusal it be spoiled, the trustee
 shall make good all such property, with interest upon it; also,
 if, within the time settled, it be spoiled by the negligence of the
 trustee, in that case also, he shall make it good with interest.

IF a person hath associated to himself other bad men, in the
 fraudulent and deceitful concealment of property intrusted to
 him, the magistrate shall punish and fine the trustee, and cause
 the property deposited to be restored to the owner.

IF a trustee does not return to the owner, upon demand, the
 property deposited in his hands, the magistrate shall fine him.

IF a person hath borrowed any thing from another, promising
 to return it whenever the business for which it was borrowed is
 completed, and then fraudulently and deceitfully detains it, the
 magistrate shall cause the borrowed property to be returned to
 the owner, and shall fine the borrower; also, if the thing bor-
 rowed be not returned, after the conclusion of the business, and
 it should be afterwards spoiled by any accident of the season, or
 any innovation of the magistrate, the borrower shall make it
 good; and if, during the time the business is in hand, it should
 be spoiled by any unforeseen accident, or innovation of the ma-
 gistrate, it shall not be made good.

IF any person hath given to a workman, under a stipulation,
 for the purpose of making pots or ornaments, or any kind of
 wrought work, gold, silver, tutenague, copper, brass, or such
 kind of metals, and the workman fraudulently and deceitfully
 conceals it, in that case, the magistrate shall cause the article to
 be returned to its owner, and shall exact a fine from the work-
 man; or, upon the workman’s not having given the thing with-
 in the time stipulated, if, after the expiration of the term of the
 agreement, the thing specified be spoiled by any accident of the
 season,

season, or the injustice of the magistrate, the workman must make it good; but if, within the time stipulated, the commodity should be spoiled by any accident of the season, or innovation of the magistrate, it shall not be made good.

IF a person employs in trade the property intrusted to him, without orders from the owner to that purpose, the magistrate shall take a fine from the trustee, and cause the property in trust to be returned with interest; and if, without employing such property in trade, the trustee should expend it, to furnish himself with victuals or clothes, in that case, he shall repay the deposited property with interest, but he shall not be fined.

IF a man is desirous to intrust his property to another, and that person says, "I am not able to take charge of such property," and, after a long conversation and debate, the first person doth intrust his property to the other, and the trustee employs that property to find himself in food and clothes, he shall, in that case, return whatever property was intrusted to him, but he shall not pay any interest upon it.

IF a person, who hath not entrusted his property to another, should say to him, "I have deposited certain things to your charge, return them to me," in that case, if the demandant be poor, and hath always preserved the tenets of his cast, he shall pay to the magistrate a fine equal to the sum falsely claimed; if he is rich, and an apostate from the principles of his tribe, a double fine shall be taken from him.

IF any person hath out of ignorance spoiled any intrusted property, then he who spoiled that property shall not be obliged to make it good; also, if he should die, his wife and son shall not be held to pay.

C H A P. V.

*Of Selling a Stranger's * Property.*

WHOEVER sells to any man another's property, or goods in trust, or property mortgaged, or things borrowed, or lost goods that he hath found, or things stolen, or any things of this kind, being the property of a stranger, without consent or command of the owner, is called *Asbwàmee Peikeree*, (i. e.) a feller of a stranger's property.

IF a person, not being owner of certain property, sells that property to another, or gives it away, or mortgages it, without consent of the owner, it is not approved.

IF a person, descended from the same grandfather with the owner of certain property, should sell or give away such property, without consent of the owner, the magistrate shall fine him six hundred *puns* of *cowries*, and cause the property to be restored to the owner:—according to the ordinations of *Chendeesur*.

IF a person, descended from the same grandfather with the owner of certain property, causes that property to be brought by the hands of a stranger, and sells it without the consent and command of the owner, then the magistrate shall fine him in a larger mulct than six hundred *puns* of *cowries*:—according to the ordinations of *Chendeesur*.

IF a person, descended from the same grandfather with the owner of certain property, should himself produce that property, or cause it to be produced by the hands of another, and sell it, or give it away, then the magistrate shall fine him six hundred *puns* of *cowries*:—this ordination is approved, according to

* A stranger here means a person in no degree related to the seller.

the ordinations of *Phàkooree Meidhab-teetee*, and *Kulp-teroo*, and *Pàchesbputtee Misr*.

IF a person, not descended from the same grandfather with the owner of certain property, should of himself take any thing out of the owner's house, and sell it, or give it away, without consent or command of such owner, he shall receive the same punishment as a thief:—according to the ordinations of *Chen-deesur*.

IF a person, not descended from the same grandfather with the owner of certain property, should either of himself, or by the hands of another, procure such property, and sell or give it away, without the consent or command of the owner, the magistrate shall take from him the same fine as from a thief:—according to the ordinations of *Phàkooree*, *Meidhab-teetee*, *Kulp-teroo*, and *Pàchesbputtee Misr*:—approved.

IF a person hath openly purchased any commodity from another, who was not the owner of it, and afterwards the owner should come and say to the purchaser, “This property belongs “to me,” and should produce proof of this, and if also he hath not given away, nor sold that property to another, and likewise can prove this, and it should happen, that, because the seller of that property lives in another kingdom, the purchaser cannot cause him to appear, yet knows where the seller lives, in that case, the purchaser shall not be amenable; but the magistrate shall give the property to the owner, and cause the value thereof to be given to the purchaser.

IF a person hath openly purchased any commodity from another, who was not the owner of it, and at the same time does not know where the seller resides, so as to cause him to appear, and afterwards the real owner should come and prove his property, and hath not given or sold it to any person, and proves this also, then the purchaser, taking half the value of the property from the owner, shall restore to him his own property.

IF a person out of ignorance hath sold the property of another, the magistrate shall fine him six hundred *puns* of *cowries*; if he sold it knowingly, he shall be punished as a thief.

IF a person hath openly sold any commodity, and afterwards another person should come and say, "This is my property," but at the same time cannot prove himself owner thereof, the magistrate shall punish the false pretender as a thief, and the purchaser of the commodity shall retain it in possession.

IF a man clandestinely in his own house, or without the village, or in the night time, or from a man of general bad character, should purchase any commodity, at a rate inferior to the real value, the magistrate shall punish the purchaser as a thief.

IF an indigent man sells to another person any commodity that is not suitable to the seller's condition in life, in that case, the purchaser shall be punished as a thief.

IF a person buys any commodity from a man who is not the owner, and afterwards the real owner should come and say, "This commodity belongs to me, neither have I given or sold it to any person," and this is also proved, and the purchaser knows not where the seller resides, and there also should happen to have been no person present at the time the purchase was made, upon a dispute of this nature, the magistrate shall cause the purchased commodity to be returned to the owner, and shall take a fine from the purchaser.

IF a person buys any commodity from a man who is not the owner, and afterwards the real owner should come and prove himself the owner, and the purchaser should have it in his power to produce the vender, then there is no farther connection between the purchaser and vender; if the vender is not upon the spot, the purchaser shall settle a stipulated time for causing the vender to appear; then, upon the vender's appearance,

ance, the magistrate shall order him to pay to the purchaser the price of the commodity, and cause the property to revert to the right owner, and punish the vender as a thief.

IF a man, whose property hath been lost, or squandered away, should find such property in any stranger's hand, and seize upon it, without acquainting the magistrate, he shall be fined ninety-six *puns* of *cowries*.

C H A P. VI.

Of Shares.

Sect. I. Of shares of trade in partnership.

Sect. II. Of shares of artificers.

S E C T. I.

Of shares of trade in partnership.

A MAN of a reputable cast, experienced in business, industrious, intelligent, and understanding his income and expences, a man of virtue, and of a clean character, and of perseverance in his affairs, such a man is to be chosen as a partner in trade.

IF persons have commenced a partnership in trade, without a settled agreement concerning their respective shares in the profit and loss, in that case, they shall understand their profit and loss to be in proportion to the stock; if they have commenced the partnership upon a settled agreement concerning the shares of profit and loss, they shall understand their profit and loss to be according to the agreement.

TRADE shall be carried on with such persons as have never been convicted of any fraudulent practices; if after the commencement of the partnership, the appearance of any fraud in either of the partners should arise, the party suspected shall clear himself by taking an oath, or undergoing the *purrikeh*.

IF stock of a partnership in trade be spoiled by any unforeseen accident, or by any innovation of the magistrate, the loss shall fall upon the shares of all the partners.

If a person, without consent of his partners, *nolens volens*, in opposition to them, should undertake any business, and the stock is thereby injured, he shall make good that stock to the partners.

If an unexpected calamity, or any innovation of the magistrate, should take place during that calamity, if any one of the partners can preserve any part of the stock, he shall receive to himself one tenth of the property so preserved.

To a man who hath been guilty of frauds, no part of the profit shall be given; but his original share of the stock shall be returned to him, and he shall be excluded from the partnership.

If either of the partners excuses himself from the business, or the preservation of the stock, he shall appoint some able person, upon his own account, in his room; and if either of them, who is capable of transacting every part of the business, and who has engaged in some of the trade, should die, in that case whoever is his heir shall receive one tenth of the profit, and also his original share: if he has no heir, the person who had the care of the stock shall receive the tenth part of the profit; if the care of the stock was intrusted to no one in particular, all the partners shall receive equal shares; if all the partners are dead, the magistrate's officers shall carry all the goods to the magistrate for his inspection, and the magistrate shall detain the goods, until the heirs bring in their claim; if the heirs come in, and prove their right of inheritance, the magistrate shall give up all pretensions to the goods; if there is no heir, and the house of the deceased merchants be at a great distance, the magistrate shall keep the property in his custody for ten years; if the house be not at so very great a distance, he shall keep it in custody for three years; if their house is very near, he shall keep in custody that property for one year; if, within that space of time, any heir comes in, and can prove himself the heir, in that case the magistrate shall take for himself one part in twenty of

of the property of a *Bramin*, one twelfth of the property of a *Chehteree*, one ninth of that of a *Bice*, and one sixth from that of a *Sooder*; if, within that time, no heir should appear, the magistrate shall appropriate to himself the property of a *Chehteree*, *Bice*, and *Sooder*, and give a *Bramin's* property to other *Bramins*; and, if there are no *Bramins*, he shall cause it to be thrown into the water.

S E C T. II.

Of the shares of artificers.

IF several persons labour jointly in gold and silver, or such species, or in silk, or in wood for fuel, or in stone, or leather, or such kind of things, the person who is but a young practitioner in the art shall receive a single share, and he who is more experienced shall receive two shares, and he who is a complete artificer at the business shall receive three shares, and he who is instructor to them all shall receive four shares.

IF a person jointly with others builds a house, or makes a pool, he who is chief among them all shall be entitled to a double share thereof; the others shall each receive a single share.

AMONG singers, musicians, and others exercising such kinds of professions, whoever of them understands the regulation of time shall receive one share and a half; the others shall receive each one share, and the chief shall receive two shares.

THE mode of shares among robbers is this: if any thieves, by the command of the magistrate, and with his assistance, have committed depredations upon, and brought any booty from another province, the magistrate shall receive a share of one sixth of the whole; if they received no command or assistance from the magistrate, they shall give the magistrate, in that case, one tenth for his share; and of the remainder their chief shall receive four shares; and whosoever among them is perfect master

of his occupation shall receive three shares; also, whichever of them is remarkably strong and stout shall receive two shares, and the rest shall receive each one share; if any one of the community of the thieves happens to be taken, and should be released from the *Cutcherry*, upon payment of a sum of money, all the thieves shall make good that sum by equal shares.

ALL these shares of painters, fingers, thieves, &c. that have been above explained, are to be understood in cases where no agreement of shares hath been originally settled; if any agreement among them, in regard to shares, hath taken place, they shall receive their proportions by the tenour of such agreement.

C H A P. VII.

*Of Gift, (or Alienation by Gift).**This has four distinctions:**First, OF what is not liable to be given away, (i. e.) Adew.*

ONE partner cannot give away goods belonging to the partnership, without consent of the partners; but, according to the ordination of *Pàchesbputtee Misr, Sewàrteh Behtàchàrige, Jeimoot Bàhun*, and *Sirree Kisben Terkàlungkàr*, it is thus explained, That, from the goods in partnerships, if any person gives away any thing of that part to which he has a right, as his own share, the gift is approved, but the donor is blameable:—approved.

IF a calamity should happen to any person, he may not give away his wife to another man, without that wife's consent; if she is willing, he has power to give her away.

IF a man, during a calamity, gives away or sells his son to any person, without the consent of that son, it is not approved; if the son is willing, the father has power to sell or give him away.

IF a man hath only one son, and that son is willing to be sold or given away, in that case, even in time of calamity, the father hath not power to sell or give away his son.

THE wife may not give away or sell her son, without the consent of her husband; if she so gives away or sells her son, it is not approved; if she hath her husband's order to give away or sell her son, it is approved.

A PERSON cannot give away or sell to any one the whole of his property, without the consent of his heirs; if he so sells it, or gives it away, it is not approved; according to the ordinations of *Pàchesbputtee Misr*.

IF a person, who hath an heir alive, sells or gives away the whole of his property, the sale or gift is approved; but it is to be imputed a crime in the vender or giver; according to the ordinations of *Shertee Shàr* :—approved.

DURING the life-time of an heir, even if that heir be willing, yet then a person may not give away or sell the whole of his property; according to the ordinations of some *Pundits*, whose names are not expressed in the compilation.

A PERSON shall not give to another any thing pledged to himself; if he gives it away, or sells it, it is not approved.

A PERSON shall not give to another any thing committed in trust to himself; if he gives it away, or sells it, it is not approved.

A PERSON, who hath borrowed any thing from one man, shall not give away the thing so borrowed to another; if he so give it away, or sells it, it is not approved.

IF a man shall have told another, “ I will give you this “ thing as a present,” that man shall not afterwards give away the same thing to a second; if he so gives it away, or sells it, it is not approved.

Second, OF what is liable to be given, (i. e.) Deu.

IF a man's property and possessions are more than will suffice to feed and clothe his dependants, such overplus of property and possessions is liable to be given away; if there is not more than is necessary for such uses, it is not liable to be given; if he
gives

gives it away, the gift is not approved, and the giver incurs a blame.

IF a man hath told another, "I will give you such a thing," and afterwards doth not give it, he is in danger of *Gehennum*: also, if, after having given it, he takes back his gift, in that case, he goes to hell.

IF a man, not knowing the objection of want of cast in another, hath promised to give him any thing, and afterwards, upon discovering his disgrace, doth not give it, he is not in fault.

IF a man, having desired of his own free-will to give any thing to a *Bramin*, doth not give it, the magistrate shall cause him to give the thing specified, with interest, and shall also take from him a fine.

Third, OF what hath been once given cannot be taken back, (i. e.) Duttà,

IF a person pays wages for work which he hath caused to be done, he cannot take such wages back again.

IF a person, by a display of his abilities, gives another great satisfaction, who, in consequence, makes him a present, that gift may not be taken back.

WHEN a man hath purchased any article, he must, at all events, pay the price of it; and, after payment, he shall not have power to take it back.

IF a person, upon the marriage of his son or daughter, hath given any thing, by way of gratification, to the son's wife's father's family, or to the daughter's husband's father's family, he shall not have power to take it back.

IF a man gives any thing to another who hath conferred an obligation upon him, he shall not have power to take back his gift.

IF a man, to his own satisfaction, hath given any thing to another who deserved favour, there is no redemption.

IF a man, in the way of amity, gives any thing to his friend, he hath not the power of taking it back.

IF a man, out of kindness, hath given ought to his son, to his grandson, or to his grandson's son, or any such heir, he may not take it back again.

Fourth, OF gift unapproved, (i. e.) Dutt.

IF a man, from a violent impulse of fear, gives any thing to another, it is not approved.

IF a man, from a violent impulse of anger, gives any thing to another, it is not approved.

IF a man, from a violent impulse of lust, gives any thing to another, it is not approved.

IF a man, from a violent impulse of grief, gives any thing to another person, it is not approved.

IF a man, having determined in his own mind to give one particular thing to any person, by mistake gives another thing instead, it is not approved (or valid).

IF a man jestingly gives any thing to another, it is not approved.

IF a man hath determined in his own mind to give any thing to one person, and by mistake gives it to another, it is not approved.

IF a man, without knowing it, gives any thing to another, it is not approved.

IF a child, who cannot distinguish between good and evil, gives a person any thing, it is not approved.

IF a person, who cannot distinguish his own good and evil, gives a person any thing, it is not approved.

IF a son or grandson, during the life of the father or grandfather, or a servant, while he hath a master, gives away any thing, it is not approved.

IF a man, who hath drunk wine until he is intoxicated, should, during that intoxication, give any thing to another, it is not approved.

IF an idiot gives a person any thing, it is not approved.

IF a person, whose relations are in absolute want of food and clothes, gives any thing to another, it is not approved.

IF a man says to another, " Do you perform my business for me, and I will reward you for it," if that person cannot do the business, the other shall not give him any thing; if he hath given him any thing as earnest, he may take it back; if the person will not return it, the magistrate shall oblige him to restoration, and shall fine him also eleven times as much.

IF a person, having declared that he would give something to another for a religious account, should die, his sons shall give it; if it be not for a religious account, they shall not give it.

IF a man says to another, " I will give you something, if you
 " can procure me a witness on a false testimony in a certain
 " affair," then, even if the other produces a witness on the
 false testimony, the promised gift shall not be made good; if it
 was given before the execution of the business, it may be taken
 back.

IF a man says to another, " I will give you something, if you
 " are able to apprehend a thief, or a murderer, or such kind of
 " criminals," then, even if the other should apprehend and
 bring such a person, nothing shall be bestowed on that ac-
 count; if any thing had been given before the business, it may
 be taken back.

IF any person hath requested and received any thing from
 another upon a religious account, and doth not then fulfil that
 act of religion, that person may take back the thing given; if
 by force, or out of avarice, it be not returned, the magistrate
 shall cause it be given back, and shall take a fine from the de-
 tainer.

IF a person receives from another any of those things which
 are not liable to be given away, the magistrate shall fine him.

C H A P. VIII.

Of Servitude.

Sect. I. Of appellations of apprentices, servants, slaves, &c.

Sect. II. Of the modes of enfranchising slaves.

Sect. III. Of such as are slaves, and of such as are not slaves.

S E C T. I.

Of appellations of apprentices, servants, slaves, &c.

Service is of five sorts, viz.

1. *Shish.*
2. *Antee Bâshee.*
3. *Bhertuk.*
4. *Adhegeerun Gerrut.*
5. *Dofs.*

THE first is when a person is learning the science of the *Beids*, or any other *Shaster*, he is called *Shish*; and, until he hath learned the science, he shall perform service for his tutor; and, during the time he remains in his tutor's house to learn that science, whatever gain he may happen to acquire by such science, his tutor shall receive.

THE second is when a person is learning painting, or designing, or needle-work, or any other such employment from an instructor, he is called *Antee Bâshee*; and while he is learning that art, he shall perform service for his master; and while he remains in his master's house, until he shall have learnt that art, during that time, whatever gain he may happen to acquire by such art, his master shall receive; and if an apprentice should
S
forsake

forfake his master, who is without fault, and should go elsewhere to learn his art, the magistrate shall banish such apprentice from the kingdom.

THE third is *Bbertuk*, which is twofold; the first *Arteb Bherut*, the second *Bhook Bherut*.

1. WHEN a person, on receiving wages, performs service for it, that is called *Arteb Bherut*.

2. WHEN a person, peopling and cultivating the lands of any other man, takes a part of the crop, by way of wages, or who, upon breeding-up, for another person, kine, buffaloes, and such kind of cattle, takes for his wages the milk, or some of the kine and buffaloes afore said, that is called *Bhook Bherut*.

THE fourth is when a man takes care of his relations and family, that is called *Adhegeerun Gerrut*: from servants of these four kinds no undue service shall be required; they shall be caused to perform only such duty as is suitable to their cast: undue service shall be performed by the *Dofs*. Undue service is as follows: to sweep and cleanse the house, the court of the house, the doorway or entrance, the necessary, and other impure places; and in times of sickness to attend upon and cleanse the patient, after the natural evacuations; and to take away the excrements, and to rub the feet: except these kinds of service all other duty is suitable and due.

THE fifth is *Dofs*, or slaves; and the *Dofs* is of fifteen species:

1. WHOEVER is born of a female slave, and is called *Gerhejât*.

2. WHOEVER is purchased for a price, and is called *Kee-reent*.

3. WHOEVER is found any where by chance, and is called *Lubdehee*.

4. WHO-

4. WHOEVER is a slave by descent from his ancestors, and is called *Dayàvaupàkut*.

5. WHOEVER hath been fed, and hath had his life preserved by another during a famine, and is called *Eenàkàl Behrut*.

6. WHOEVER hath been delivered up as a pledge for money borrowed, and is called *Abut*.

7. WHOEVER, to free himself from the debt of one creditor, hath borrowed money from another person, and, having discharged the old debt, gives himself up as a servant to the person with whom the present debt is contracted; or whoever, by way of terminating the importunities of a creditor, delivers himself up for a servant to that creditor, and is called *Mookhud*.

8. WHOEVER hath been enslaved by the fortune of battle, and is called *Joodeh Perraput*.

9. WHOEVER becomes a slave by a loss on the chances of dice, or other games, and is called *Punjeet*; according to the ordinations of *Perkàshkàr* and *Pàrreejaut*; and according to the ordination of *Chendeesur*; it is thus: that by whatever chance he is conquered, and becomes a slave, he is called *Punjeet*:—approved.

10. WHOEVER, of his own desire, says to another, “I am become your slave,” and is called *Opookut*.

11. WHEN a *Chebteree*, or *Bice*, having become *Sinassée*, apostates from that way of life, the magistrate shall make him a slave, and is called *Perberjàbesheet*.

12. WHOEVER voluntarily gives himself as a slave to another for a stipulated time, and is called *Gheerut*.

13. WHOEVER performs servitude for his subsistence, and is called *Bhekut*.

14. WHOEVER, from the desire of possessing a slave girl, becomes a slave, and is called *Berbàkrut*.

15. WHOEVER, of his own accord, sells his liberty, and becomes a slave, and is called *Bekreet*.

S E C T. II.

Of the modes of enfranchising slaves.

WHOEVER is born from the body of a female slave, and whoever hath been purchased for a price, and whoever hath been found by chance any where, and whoever is a slave by descent from his ancestors, these four species of slaves, until they are freed by the voluntary consent of their masters, cannot have their liberty; if their master, from a principle of beneficence, gives them their liberty, they become free.

WHOEVER, having received his victuals from a person during the time of a famine, hath become his slave, upon giving to his provider whatever he received from him during the time of the famine, and also two head of cattle, may become free from his servitude, according to the ordinations of *Pàchesputtee Mifr*:—approved. *Chendeesur*, upon this head, speaks thus; that he who has received victuals during a famine, and hath, by those means, become a slave, on giving two head of cattle to his provider, may become free.

WHOEVER, having been given up as a pledge for money lent, performs service to the creditor, recovers his liberty whenever the debtor discharges the debt; if the debtor neglects to pay the creditor his money, and takes no thought of the person whom he left as a pledge, that person becomes the purchased slave of the creditor.

WHOEVER,

WHOEVER, being unable to pay his creditor a debt, hath borrowed a sum of money from another person, and paid his former creditor therewith, and hath thus become a slave to the second creditor, or who, to silence the importunities of his creditor's demands, hath yielded himself a slave to that creditor, such kind of slaves shall not be released from servitude until payment of the debts.

WHOEVER, by the loss of the chance in any game, and whoever, by the fortune of war, is enslaved, these two persons, upon giving two others equal to themselves in exchange, are released from their servitude.

IF the slave of one person goes to another, and of his own desire consents to be the slave of that person, in this case he must still be the property of the person to whom he was first a slave:—the mode of release for every kind of slave shall take place, according to the ordination laid down for each.

A *Chehteree* and *Bice*, who, after having been *Sinassees*, apostate from that way of life, and are become the slaves of the magistrate, can never be released.

IF a *Bramin* hath committed this crime, the magistrate shall not make him a slave, but, having branded him in the forehead with the print of a dog's foot, shall banish him the kingdom.

WHOEVER hath yielded himself a slave for a stipulated time, upon the completion of that term, shall recover his freedom.

WHOEVER performs a servitude for his subsistence shall recover his freedom, upon renouncing that subsistence.

WHOEVER, for the sake of enjoying a slave girl, becomes a slave to any person, he shall recover his freedom, upon renouncing the slave girl.

WHOEVER

WHOEVER hath become a slave, by selling himself to any person, he shall not be free until the master of his own accord gives him his freedom.

If the master, from a principle of beneficence, gives him his liberty, he becomes free.

If a thief, having stolen the child of any person, sells it to another, or a man, by absolute violence, forces another to be his slave, the magistrate shall restore such person to his freedom.

If the master of a slave should be in imminent danger of his life, and at that time this slave, by his own efforts and presence of mind, is able to save the life of his master, the slave aforesaid shall be freed from his servitude, and be held as a son; if he chuses it, he may stay with his former master; if he chuses it, he shall quit that place, and go where he will at liberty.

WHOEVER is without a legitimate child, and from the seed of his own body hath a child from the womb of a slave girl, that girl, together with her son, becomes free.

WHEN any person, from a principle of beneficence, would release his slave, the mode of it is this: the aforesaid slave shall fill a pitcher with water, and put therein *berenge-àrook*, (rice that has been cleansed without boiling), and flowers, and *doob*, (a kind of small salad), and, taking the pitcher upon his shoulder, shall stand near his master; and the master, putting the pitcher upon the slave's head, shall then break the pitcher, so that the water, rice, flowers, and *doob*, that were in the pitcher, may fall upon the slave's body; after that the master shall three times pronounce the words, "I have made you free;" upon this speech the slave aforesaid shall take some steps towards the east; whereupon he shall be free.

WHOEVER hath become a slave to any person, that master is proprietor of any property that slave may acquire, exclusive of the

the price of his own slavery, and exclusive also of any thing which may be given to him as a present.

S E C T. III.

Of such as are slaves, and of such as are not slaves.

IF the slave of any person marries a woman, that woman becomes the slave of the same master, unless she be the slave of any other person.

IF that woman be the slave of any person, and her master gives consent to the marriage, in that case also she becomes the slave of her husband's master.

A MAN of a superior cast, if he is upright and steady in the principles of that cast, can never be the slave to a man of an inferior cast.

SLAVES are made of the three casts of *Chehteree*, *Bice*, and *Sooder*; a *Bramin* can never be a slave.

IF a *Chehteree*, a *Bice*, or a *Sooder*, cause a *Bramin* to become a slave, the magistrate shall exact a fine from them of one thousand one hundred *puns* of *cowries*.

A BRAMIN cannot cause another *Bramin* to become a slave; but the *Bramin*, who is learned in his science, may cause an unlearned *Bramin* to perform all proper service for him, exclusive of those undue services above described; and he who is well grounded in science may also cause such due services to be performed by those who are unprincipled in science, according to the ordinations of *Pàrreejaut* and *Helàyoodeh*:—approved.

Lukkee Deher, upon this head, speaks thus, that whoever, being a *Bramin*, acts like a *Chehteree*, a *Bice*, or a *Sooder*,
such

such kind of *Bramin* must never cause other *Bramins* to perform duty or service for him.

IF any person obliges a learned *Bramin*, against his own consent, to perform labour and service, the magistrate shall fine him six hundred *puns* of *cowries*.

IF a *Bramin* hath purchased a *Sooder*, or even if he hath not purchased him, he may cause him to perform service.

THE *Chehteree*, *Bice*, and *Sooder*, may each cause their respective casts to perform service; as a *Chehteree* may employ another *Chehteree*, a *Bice* may employ another *Bice*, and a *Sooder* may employ another *Sooder*: as also a superior cast may employ the inferior cast; as a *Bramin* may employ a *Chehteree*, a *Chehteree* may employ a *Bice*, and a *Bice* may employ a *Sooder*.

IF a man sells the wife of a *Bramin* to any person, or keeps her to himself, it is not approved; the magistrate shall release the woman, censure the vender, and hold him amenable.

IF a person, in time of calamity, sells his slave girl to another person without her consent, the magistrate shall fine the vender two hundred *puns* of *cowries*.

A WOMAN, who is of good character and behaviour, and who, coming to a person's house, fixes her abode there, shall not be obliged to perform any labour or service, nor shall she be delivered over to any person; if she be obliged to perform service, or be delivered over to any other person, the magistrate shall exact a fine from the offending party, and release the woman.

IF a man commits fornication with the nurse who brought him up, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a woman, impelled by any calamity, should come to any person, and remain with him, if he commits fornication with that woman, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

T

CHAP.

C H A P. IX.

Of Wages.

Sect. I. Of the wages of servants.

Sect. II. Of the wages of dancing women or prostitutes.

S E C T. I.

Of the wages of servants.

WHATEVER wages were promised to a servant, at the time of his being hired, according to that promise wages shall be paid.

IF a man hath hired any person to conduct a trade for him, and no agreement is made in regard to wages, in that case the person hired shall receive one tenth of such profit.

IF a man hath hired any person to attend his cattle, and no agreement is made in regard to wages, in that case the person hired shall receive one tenth of the milk produced by the cows.

IF a man hath hired any person for the business of agriculture, (exclusive of driving the plough), and no agreement is made in regard to wages, that person shall receive one tenth of the crop produced.

WHERE several persons are employed in the execution of one piece of business, of the whole wages paid for such work, they shall each receive a respective proportion, according to the difference of their assiduity.

IF a person hired for the business of agriculture should abscond, the magistrate shall censure him, and take a fine from him.

IF a person, receiving his victuals in the house of his master, perform the business of plowing the ground, and no wages are stipulated, in that case, whatever crop is produced from that ground, the person so employed shall receive one fifth of that crop; if he does not receive his victuals at the house of his master while he performs the business of ploughing, he shall receive one third.

IF a person, who is hired to bring up any domestic animals or birds, should abscond, the magistrate shall hold him amenable, and shall censure him.

IF a person, having received his wages, doth not perform the business for which he was hired, and at the same time is not sick, the magistrate shall cause him to give back to his master whatever wages he may have received, and shall fine him in double of that sum.

IF a person, not having agreed for wages at the time of being hired, shall have performed the business allotted him, upon which business no profit whatever should arise, in that case, according to the wages that other people in the same kingdom receive for the same kind of business, he also shall receive wages at the same rate from his master.

IF a person, not receiving his wages, but making a stipulation for the payment and proportion of them, is employed upon any business, and, during the time of such employment, absconds from his business, without the plea of sickness, or any calamity, the magistrate shall fine him in whatever sum was agreed upon for his wages.

If a person, being hired to perform any business, should forsake that business, at a time when but little of it remains unfinished, without the plea of sickness, or any calamity, he shall not receive any wages.

If a person hath given another a promise, saying, "I will execute your business," and at the same time neglects to begin it, and, without the plea of sickness, or any calamity, afterwards should say, "I shall not be able to execute your business," in that case, the magistrate shall cause him to perform the business; if, after the order of the magistrate, that person still neglects to execute the business, the magistrate shall fine him eight gold coins, and, without giving him any wages, shall oblige him to perform the work agreed for.

If a person, being allotted the execution of any work, should fall sick after he has begun the work, and afterwards, upon his recovery, goes on with the performance of the business, he shall receive wages also for the time of his sickness.

If a man, by the fault of his master, forsakes his service, in that case, he shall receive proportionate wages for whatever number of days he continued in the service.

If a servant, by his own fault, spoils any thing belonging to his master, that servant shall make it good; but if that thing be spoiled by any unexpected calamity, or innovation of the magistrate, the servant shall not pay for it.

If a person, without any fault committed by his servant, discharges the servant, the magistrate shall take from that person one hundred *puns* of *cowries*, and cause him to pay the servant his wages.

If a servant maliciously hurts the property of his master, he shall give twice as much to the magistrate for a fine, and make good the property of his master.

If

If a servant, at the command of his master, commits theft, or murder, or any such crimes, in that case, it is not the fault of the servant, the master only is guilty.

If a *Beopary*, hiring a person to go to any specified place, takes him along with himself, and the *Beopary*, having sold all his good on the intermediate road, discharges that person, in that case, he shall give him wages for whatever part of the road he hath gone; and as to the part of the way agreed upon, which remains untravelled, he shall give him half of the stipulated wages for that part; and, if, as they are on their journey to the place specified, any person should hinder the *Beopary* from carrying his goods, or should steal them, in that case, the person hired shall receive wages for that part of the journey already accomplished, and for what remains unperformed, he shall receive nothing.

If a person, going on a journey, takes another with him, and this person should fall sick upon the road, or is unable to travel on account of fatigue, in that case, the person who took him shall remain three days upon the spot, in waiting for him; if he does not thus wait for him, the magistrate shall fine him,

If a person, without receiving wages, or subsistence, or clothes, attends ten milch cows, in that case, he shall select, for his own use, the milk of that cow, whichever produces the most; and if he attends more cows than those, he shall take milk, after the same rate, in lieu of wages.

If a person attends one hundred cows, for the space of one year, without any appointment of wages, in that case, by way of wages, he shall take to himself one heifer of three years old; and also, of all those cows that produce milk, whatever the quantity may be, after every eight days, he shall take to himself the milk, the entire produce of one day.

If

IF a person attends two hundred cows, for the space of one year, without appointment of wages, in that case, after every eight days, he shall take to himself the milk, the entire produce of one day ; and also, by way of wages, one cow in milk, and her calf.

CATTLE shall be delivered over to the cowherd in the morning ; the cowherd shall tend the herd the whole day with grass and water, and in the evening shall redeliver them to the master, in the same manner as they were intrusted to him ; if, by the fault of the cowherd, any of the cattle are hurt or stolen, that cowherd shall make them good.

WHEN a person is employed, night and day, in attending cattle, if one of them, by his fault, should be hurt, he shall make it good.

IF a thief takes away, by violence, a cow or a buffalo, in the owner's sight, and the cowherd, as soon as he knows the circumstance, makes a violent outcry, but is not able to preserve them, it is not to be imputed the fault of the cowherd ; and, if in that country, or in that particular spot, any calamity should happen, during which time the domestic animals come to any damage, it is not to be imputed the fault of the cowherd, the loss shall fall upon the owner.

IF a cowherd drives away any cows, buffaloes, and such kinds of cattle, to feed, or on any account carries them to another place, he shall guard those cattle, to the utmost of his power, from any accident of flies, thieves, tigers, pits, rocks, or any such kind of misfortune ; if he is unable to protect them from these accidents, he shall, with a loud voice, give notice to the people there, or to the owner of the cattle ; if he does this, no fault lies upon the cowherd ; but if he neglects to act in this manner, he shall make good the cattle, and the magistrate shall fine him thirteen *puns* of *cowries*.

IF a cowherd should go to his own house, or to any other place, and leave any sick cattle upon the plains, the magistrate shall censure him.

IF a cow, or buffalo, or any such kind of cattle, should die of any sickness, while the cowherd, knowing the remedy proper for such sickness, neglected to administer it, the magistrate shall censure him, and cause him to give such an animal to the owner of the herd; he shall also fine him thirteen *puns* of *cow-ries*, and cause the proportionate part of his wages to be paid him.

WHEN a cowherd hath led the cattle to a distant place to feed, if it happens, that one, or two, or more of those should die of some distemper, notwithstanding the cowherd applied the proper remedy, in that case, the cowherd shall carry the head or tail, or fore or hind foot, or some such convincing proof taken from that animal's body, to the owner of the cattle; having done this, he shall be no farther answerable; if he neglects to act thus, he shall make good the loss.

S E C T. II.

Of the wages of dancing women or prostitutes.

IF a prostitute, after having received hire from any person, neglects to go to him, whatever money she received, she shall return back twice as much; but if the person who hired her does not require her attendance, in consequence, the money he hath given her shall not be returned.

IF a prostitute or dancing woman, having, at her own request, received hire from any person, should be sick, fatigued with any business, or melancholy on account of any calamity, or in waiting upon the business of the magistrate, at such times, if the person aforesaid requires her attendance, and the prostitute is unable to go, it is not her fault; but, after her recovery,
or

or after the termination of the calamity, or after dismissal from the above-mentioned business, she shall attend him; if she then neglects to go, she shall give back double of the hire she received.

IF a person, having settled the sum to be given, hath hired a prostitute, and attempts to commit any unnatural act with her, he shall give her eight times the sum stipulated, and pay a fine also of eight times as much to the magistrate.

IF any person verbally agrees with a prostitute, and says, "I will employ you," and gives her hire upon his own account, but afterwards, instead of employing her himself, causes several other men to enjoy her, in that case, he shall pay her eight times as much as the sum stipulated, and pay a fine also of eight times as much to the magistrate.

IF a man hath mentioned one particular person's name to a prostitute, and, having given her a stipulated hire in that person's name, carries her to another man, the magistrate shall fine that man one *māsheh* of gold, ($\frac{1}{12}$ of *asbrufee*).

IF a man having agreed with a prostitute for her hire, goes to her accordingly, and afterwards does not pay her the stipulated sum, then whatever hire he had agreed to give, he shall pay double of that sum to the woman, and a fine also of double of the same sum to the magistrate.

IF a person, having agreed for the hire of a prostitute to himself, takes a number of men with him to that prostitute, and there enjoys her, in that case, whatever hire he had agreed to pay, he shall give her double of such hire for every person whom he carried with him; and in like manner shall pay double of such hire for every single person to the magistrate as a fine.

IF a *Bheroodh* (*i. e.*) a pimp or attendant musician upon prostitutes, and a prostitute have any dispute, the mistress of the girl shall settle the dispute.

C H A P X.

Of Rent and Hire.

IF a person, paying rent and hire, builds a new house upon the lands of any stranger, and lives there, in that case, whenever he quits that place, and pays up his rent without a balance, he may do what he pleases with the house.

IF a person, without paying rent, builds a new house upon the lands of a stranger, and lives there, in that case, at the time he quits that place, he may not dispose of the house at his own pleasure; the owner of the land shall also become owner of the house.

IF a person hath hired any thing for a stipulated time, he shall pay the rent accordingly.

IF a person hath hired any thing from another, he shall continue to pay the hire for it, until he returns it to the owner.

IF a person hath hired any thing from another, and does not apply to any use the things hired, he must pay the rate of hire for it, and be held to return it to the owner.

IF a person, having agreed for the rent of the water of a pool, or of the water of a well, or of the water of a river, or of a house, does not pay it, the magistrate shall cause such rent and hire to be paid.

IF a person hath hired any thing from another, and the thing so hired, without any unexpected calamity, or innovation of the magistrate, be spoiled by the fault of that person, he shall make it good; if it be damaged by any natural accident, or by the innovation of the magistrate, he shall not make it good.

C H A P. XI.

Of Purchase and Sale.

Sect. I. Of the vender's not delivering up to the purchaser the commodity sold, and of the magistrate's causing him to deliver it.

Sect. II. Of returning or not returning articles purchased.

S E C T. I.

Of the vender's not delivering up to the purchaser the commodity sold, and of the magistrate's causing him to deliver it.

IF a person hath sold to any one glebe-land, or houses, or any such property, and, having received the due value for it, forcibly detains the premises sold, and himself expends the profits arising upon them, upon the purchaser's laying a complaint of this nature before the magistrate, that magistrate shall cause the purchased premises, and also the profit accruing upon them, to be delivered over to the purchaser; and if, at the time of entering upon the premises, the price has fallen, with respect to the time when the purchase was made, he shall cause such overplus of price also to be given back to the purchaser, by the vender; but, if the price hath risen, the vender shall not receive such difference of price, and the magistrate shall also fine the vender one hundred *puns* of *cowries*.

IF a person sells any thing, except glebe-land, to any one, and, having received the due value, forcibly detains the purchased commodity, and himself expends the profits arising upon it, upon the purchaser's carrying a complaint of this nature before the magistrate, that magistrate shall cause the commodity bought to be delivered over to the purchaser, and also whatever profit there-
upon

upon accruing, which the feller has applied to his own use; and if, at the time of delivering up the purchase, the price of such commodity has fallen, with respect to the time when the purchase was originally made, the vender shall also make good such difference of price, and shall pay to the magistrate a fine of one hundred *puns* of *cowries*.

IF a person, having sold any thing to a merchant who is gone into another country to trade, hath received the due value for it, and then forcibly detains the purchased commodity, in that case, upon the merchant's preferring a complaint of this nature to the magistrate, that magistrate shall cause the purchased commodity to be delivered to the buyer; and also whatever the present profit falls short of that profit which the merchant would have gained by selling it in another kingdom, at the time of his making the purchase, the magistrate shall cause that difference also to be made good to the purchaser, and shall likewise take to himself, as a fine, one hundred *puns* of *cowries*: this ordination is according to *Beebà-dur Tunnàgurkàr*:—approved.

IF a person hath purchased any thing with agreement to take away the goods the same day, and hath settled a day of payment, and the vender also consents to this, yet does not deliver up the goods on the purchaser's demand, upon the purchaser's preferring a complaint of this nature to the magistrate, that magistrate shall cause such goods to be delivered to the purchaser, and shall also make the vender give up whatever advantage he may have enjoyed, arising from the goods so detained, and shall fine him moreover one hundred *puns* of *cowries*; but the purchaser shall be held to pay according to the stipulation; nevertheless, if, with respect to the time of the purchase, the price is since fallen, the vender shall make it good.

IF a person, having purchased any undamaged commodity, afterwards returns it back to the vender, at whatever price the purchase was made, the vender shall detain one tenth of such price, and return the other nine parts to the purchaser, receiving back at the same time the purchased goods.

IF any person hath sold any commodity to another, and does not deliver up such commodity to the purchaser upon his demand, after which the commodity receives any damage, the vender shall make it good.

IF a person hath sold any commodity to another, and the purchaser doth not make demand for the goods purchased, which goods are afterwards damaged by the vender's fault, the vender shall make good the loss; but if the damage arises from any calamity of the season, or from any innovation of the magistrate, the vender shall not make good the loss.

IF a person, producing to another a commodity without blemish, and, having stipulated for a price according to the value of such commodity, afterwards gives to the purchaser damaged goods, in that case, the magistrate shall cause the vender to give double of such price to the purchaser, and himself also shall take from the vender double of such price as a fine.

IF a person, conscious of a blemish in his goods, conceals that blemish when he sells those goods, in that case, the magistrate shall cause the vender to give double of the price of the goods to the purchaser, and himself also shall take from him the same sum as a fine.

IF ideots, or persons rendered senseless by intoxication, or men who cannot distinguish between their own good and evil, sell any thing, it is not approved; if they will take such commodity back again, they are authorized.

IN each particular season, every commodity has its particular price; if a person, under the influence of fear, sells any commodity remarkably under value, with respect to the season, it is not approved; and, if he will take it back again, he is authorized.

IF a man, having sold a commodity to one person, afterwards sells the same commodity to another, the magistrate shall cause him to give double of such commodity to the first purchaser, and himself also shall take the same sum as a fine.

IF a person hath sold any thing to another, with agreement to deliver up the purchase on a stipulated day, and, upon his tendering the goods on that day accordingly, the purchaser refuses to receive them, the vender, in that case, may dispose of them elsewhere; in this case the vender is not in fault; and, if, on the second sale, any loss should accrue to the vender, the first purchaser shall make it good.

IF a person, without agreement of price, hath delivered to another any goods, under the name of selling, saying, "I will receive the value of them," and afterwards a dispute should arise concerning the price, then, whatever was the current price of such commodity, at the time of the purchase, according to the price at that period, the arbitrators appointed by the buyer and vender shall terminate the dispute.

S E C T. II.

Of returning, or not returning the articles purchased.

IF a person hath bought the seeds of *paddee*, of wheat, barley, *maush*, *doll*, *gram*, mustard-feed, or such kinds of grain, without inspection, and in ten days discovers any defect in that grain, he may return such grain within that space of ten days; if ten days are past, he shall never afterwards return it; if he inspected the grain at the time of purchase, he then shall not have power to return it, even within the space of ten days.

IF a person buys iron without inspection, and afterwards discovers a defect in that iron, he may return it back within the space of one day; if he inspected it at the time of purchase, he shall never afterwards return it; and also, if one day is past, he shall

shall not afterwards return it, though not inspected at the time of purchase.

IF a person hath bought of any one pearls, coral, or diamonds, or any other species of precious stones, without inspection, and in seven days discovers any defect in them, he may return them within that space of seven days; if seven days are past, he shall never afterwards return them; if he inspected them at the time of purchase, he shall not have power to return them even within the space of seven days.

IF a person hath purchased a slave girl of any one, and within a month discovers any defect in that girl, he may return her within that space of one month; if one month be past, she never afterwards shall be given back; and, if the purchase was made upon inspection, she shall not be returned, even within the space of one month,

IF a person purchases of any one camels, bullocks, asses, or such kinds of beasts of burden, and in five days any defect should be found in them, they may be returned within that space of five days; if five days are past, they must never be returned; if they were inspected at the time of purchase, the purchaser shall not have power to return them even within five days.

IF a person, without inspection, purchases of any one cows, or cow buffaloes in milk, and any defect is found on them in three days, they may be returned within that space of three days; if three days are past, they must never afterwards be returned; if the purchase was made upon inspection, the purchaser shall not have power to return them even within three days.

IF a person hath bought a slave of any one, and in fifteen days any defect be found in him, he may be returned within that space of fifteen days; if fifteen days are past, he can never
afterwards

afterwards be returned; if he was inspected at the time of purchase, he may not be returned even within fifteen days.

IF a person hath bought grafs, or fuel-wood, or bricks, or *paddee*, or wheat, or barley, or any other grain, or wine, or honey, or *ghee*, or sugar, or candy, of the species of sweet, or round pepper, or long pepper, of the species of bitter, or *hur-reh*, or *bebeereh*, and other things, of the species of *affus*, or astringent, or *sbaddock*, or tamarinds, and other things, of the species of acid, or salt, or cloth, or gold, or copper, or tin, or rutenague, or white copper, or brafs, and any defect should be found in them the same day, they may be returned within the space of that day; if that day be past, they can never afterwards be returned; if the purchase was made on inspection, they must not be returned even within the same day.

IF a man purchases old clothes, he must never return them.

IF a person, who is always employed in buying and selling various sorts of commodities, and is well skilled in that business, should purchase any thing, he shall not at any time have power to return it upon a discovery of a defect.

CHAP.

C H A P. XII.

Of Boundaries and Limits.

TO ascertain boundaries, upon the confines of those boundaries must be planted the male and female *banyan* tree, or the *plàs* tree, or the *seemul* (cotton tree), or the *faul*, or the *toddy* tree, or the *zukkoom* tree, or the *luttà* tree, or the *bamboo*, or a mound of earth must be made, or any large tree, that produces not a great number of branches, must be planted; or by a pool, a well, a bason, a ditch, or any such signs above mentioned, shall the boundaries be openly described; or a temple shall be built there to *Shàghur* (*i. e.*) their deity.

DUST, or bones, or *seboos* (*i. e.*) bran, or cinders, or scraps of earthen ware, or the hairs of a cow's tail, or the seed of the cotton plant, all these things above mentioned, being put into an earthen pot, filled to the brim, a man must privately bury upon the confines of his own boundary, and there preserve stones also, or bricks, or sea sand, either of these three things may be buried, by way of land-mark of the limits; for all these things, upon remaining a long time in the ground, are not liable to rot, or become putrid; any other thing also, which will remain a long time in the ground, without becoming rotten or putrid, may be buried for the same purpose; those persons who, by any of these methods, can shew the line of their boundaries, shall acquaint their sons with the respective land-marks of those boundaries; and in the same manner those sons also shall explain the signs of the limits to their children: if all persons would act in this manner, there could be no dispute concerning limits and boundaries.

IF a suit, for the limits of ground, should arise, the magistrate, having inspected the open and private land-marks above described, shall settle the suit: if any doubt or perplexity should intervene,

intervene, the plaintiff and defendant shall produce to the magistrate their respective accounts of possession, under proof, and the suit of boundaries shall be settled: if also there is no landmark, and they cannot prove their respective possessions, then the plaintiff shall find out some old men, well acquainted with the boundaries, or the person who first marked out the spot, and settle the dispute by their means; but the dispute of limits shall not be settled by the testimony of only one experienced person, it shall not be determined by less than the testimony of four persons.

IF both the plaintiff and the defendant approve of some old and experienced men for giving testimony, in regard to the settlement of a dispute for boundaries, then the magistrate or arbitrator shall question such person as the plaintiff and the defendant have approved; and he, putting on a red necklace and red clothes, shall relate the true circumstances of the boundaries; if, after the testimony of these persons, the suit is still undetermined, then the magistrate shall select, and put the same questions to, four or ten persons of those who break up faggot wood constantly in those parts, or who are hunters, or who, after the grain is reaped, glean what is on the ground; and these shall lay their heads upon the ground, making the due reverences, and, putting on red necklaces and red clothes, shall relate what they know of the affair, saying, "If we give false witness, may our good actions all be reversed." In a dispute concerning boundaries a single person shall not give testimony; but, if the plaintiff and defendant join in approving a single person, the magistrate shall question him; and that person, fasting for one whole day, and putting on a red necklace and red clothes, with the due reverences of laying his head to the ground, shall give his testimony.

THE magistrate shall not settle a dispute concerning boundaries by the testimony of a person of bad principles; if the suit cannot be settled by the means above mentioned, then the magistrate shall go in person to the boundaries in dispute, and inquire the truth of the affair from the men in the village, who

were born in that village, and who are well acquainted with the boundaries; and those also who are gone to any other part of the country he shall summons, and having, upon inquiries, learnt the truth from them, he shall settle the dispute.

If the magistrate, from anger or avarice, or any other bad principle, gives the land owned by one person to another, it is not approved.

IN a place where there is any dispute concerning the boundaries of villages, the dispute concerning such boundaries shall be settled by applying to the men of credit and experience there; if there is a dispute concerning tillage, the dispute shall be settled by applying to the farmers in the neighbourhood; and, if there is a dispute for the ground on which a house stands, the dispute shall be settled by applying to the persons dwelling in the neighbourhood of that house; if there are none of these, nor any witnesses, nor any land-mark of the boundary, nor any account of the usufruct, in that case the magistrate shall mark out the boundaries according to his own pleasure, and the plaintiff and the defendant shall both approve of the decision; whichever of them shall not approve, the magistrate shall fine him.

IN a place where two villages lie on the two banks of a river, if, from that river, a *nullab* should spring out, which, after making an elbow into the land, returns again to the river, and some glebe-land should remain fixed in its original situation, between that elbow of the *nullab* and the main river, in such a case the glebe-land shall still belong to the village that originally possessed it.

IN a place where there is a river, the two banks of which are boundaries to the estates of two persons, if that river should break off some part of the bank on one side, and carry it over to the other, then the owner of that boundary, upon which the other broken bank hath fallen, shall become proprietor of that bank so broken, and the person whose bank is so divided shall no longer have any property therein: if the river breaks off the whole of
a person's

a person's land, and carries it over to the boundaries of another person, in that case, the person whose whole ground is thus torn away shall still be the owner thereof, and the person upon whose boundary such land hath fallen shall not be entitled to possession thereof.

IF a person, not being real owner of any land, should, by any fraudulent means, get possession of some land, the magistrate shall take from him that land, or give it to some other person, (he is authorized so to do), and that person shall not have power to cause any let or molestation.

IF a person hath built a new house upon the waste ground, and hath occupied it, then, if a powerful man should erect a mansion upon the same place, and should join to his own buildings the spot of ground occupied by the other, it is not approved.

WHATEVER pool, or well, a person hath occupied, from the commencement of building his house, another person cannot afterwards prohibit him from using.

IF a man hath had a window in his own premises, another person, having built a house very near to this, and living there with his family, hath no power to shut up that man's window; and, if this second person would make a window in his own house, on the side of it that is towards the other man's house, and that man, at the time of his constructing such window, forbids and impedes him, he shall not have power to make a window; if, after the window is finished, the other person should cause him any trouble, the magistrate shall take a fine from that person, without causing the window aforesaid to be shut up.

IF the drain of a man's house hath, for a long series of time, passed through the buildings belonging to another person, that person shall not give any impediment thereto; but if that person caused any impediment at the first commencement of such drain,

drain, then the other shall not have power to carry his drain that way; if that person, at the commencement of the drain, gave no interruption, yet afterwards causes the other any trouble, he shall be amenable to the *sircar* of the magistrate.

IF a man hath made a lofty building for a seat, and goes up thither to sit, then, if, at the time of the commencement of the aforesaid building, none of his neighbours gave him any impediment, they shall not afterwards have power to molest him; if afterwards they impede and cause him any trouble, they shall be amenable to the magistrate.

ANY house, which hath a door in each of the four sides, if, at the first building of the house, no person gave any impediment to the construction of such doors, and yet should afterwards attempt to impede, he shall not have power to do it; if he should then give the owner of the house any trouble or molestation, he shall be amenable to the magistrate.

IF, from the thatch roof of any house, the water falls off into a place adjoining to that house, but the property of another man, then, if the person, upon whose ground such water falls, gave no impediment at the beginning, he shall not afterwards have power to impede; if, after the completion of the house, he gives the other any trouble or molestation, he shall be amenable to the magistrate; and, if a person makes a *sejjah* (or fenced terras) upon the top of his house, another shall not impede him.

IF there is an old passage for men and cattle through the grounds of any person, that person has not power to stop up such road.

A PERSON may not make a necessary-house adjoining to the house of any person; nor shall he fling out rubbish and filth there, nor dig a ditch.

A PERSON

A PERSON shall not plant the tree *kooloo*, or cocoa-nut, from whence bitter oil is extracted, adjoining to another man's house; if he plants them there, he must leave the breadth of two cubits between the trees and the house.

A DOOR through which all people pass, and a road upon which all people travel, no one shall shut upon pretence that it is within his own boundaries; nor shall he make that path a place to piss, or a receptacle for filth, or for sand to scower the vessels wherein the filth is carried; nor shall he make such a receptacle near to a house; nor, when he has swept his house, shall he throw the rubbish and ashes into the path; nor shall he ease himself there; neither shall he plant trees there.

IF a person shuts up the path where the magistrate, or the magistrate's officers, pass and repass, he shall be amenable.

IF a person, in the time of no general calamity, throws rubbish and ashes upon the high road, or make a hole there, or eases himself thereon, a single time, or plants trees there, the magistrate shall take a fine from him of one *māsbeh* of gold, and cause him to throw away the filth with his own hands.

IF a person, during the time of a general calamity, is guilty of the practices above-mentioned, in the high road, he shall not pay a fine, nor be obliged to throw away the filth with his own hands.

IF a person, in the time of no general calamity, constantly throws rubbish, filth, and other things above specified into the high road, the magistrate shall fine him two *cabawuns* of cowries, and oblige him to throw the filth into some other place with his own hands.

IF, in times either of calamity, or of no calamity, a feeble old man, or a child, or a woman big with child, should throw any of the things above-mentioned into the high road, they shall

shall neither pay a fine, nor be obliged to throw away the filth with their own hands; but the magistrate shall caution them to be more careful for the future.

IF a person throws away filth into a garden, or near the steps of a pool, the magistrate shall fine him one hundred *puns* of *cowries*, and oblige him to throw away the filth with his own hands.

IF a person throws away filth into the places of *Zeeàrut* (or religious walks) or near the steps of a pool, a well, or basin of water, so that people are prevented from going thither, and cannot use the water of such pool, well, or basin, the magistrate shall fine the offender two hundred and fifty *puns* of *cowries*, and oblige him to throw away the filth with his own hands.

IF between the boundaries of two persons any tree should grow, the flowers and fruit of such trees shall be indiscriminately used by both parties.

IF trees be on the boundaries of one person, and the branches of those trees extend over the boundaries of another, then the person, into whose premises such branches extend, is proprietor of those branches, and may do with them as he pleases.

IF a person, by causing violent apprehension in another person, occupies that person's house, or pool, or garden, or tillage, the magistrate shall cause the possession thereof to revert to the owner, and shall fine the other person one hundred *puns* of *cowries*.

IF a person, having by mistake affirmed, that the house, pool, well, garden, or glebe, or any such things, the property of another, belonging to himself, hath applied them accordingly to his own use, the magistrate shall fine him two hundred *puns* of *cowries*, and cause the possession thereof to revert to the real proprietor.

IF a person should dig up by the roots a tree planted for a land-mark, as before specified, it is a crime, and the magistrate shall fine him two hundred *puns* of *cowries*.

IF a person, by removing a land-mark, fraudulently appropriates to himself an additional piece of land, the magistrate shall take from him a fine of five hundred and forty *puns* of *cowries*, and shall give back the ground to the owner.

IF a person entirely breaks the dividing ridge between the tillage of any two persons, the magistrate shall fine him one hundred and eight *puns* of *cowries*.

IF a person hath destroyed much of the tillage of another man, and appropriated a larger piece of ground than what belongs to him, the magistrate shall fine him one thousand and eight *puns* of *cowries*, and shall cause him to give back the land to the owner.

IF a person, to serve his own tillage, steals the water from another man's pool, and waters his ground therewith, the magistrate shall fine him one hundred and eight *puns* of *cowries*.

C H A P. XIII.

Of Shares in the Cultivation of Lands.

Fallow or waste land is of three sorts, *viz.*

1. **L**AND waste for two years, or one year, which is called *Arde Kheel*, half waste.
2. Land waste for three years, or four years, which is called *Kheel*, or waste.
3. Land waste for five years, or whatever longer time it may happen, such land is called *Jungle*.

IF a person makes over to another, for the purpose of cultivation, land that has been waste for one or two years, and that person, having, by careful management, improved the ground, should raise a crop from thence, in that case, of the whole crop so raised, one sixth shall go to the owner of the ground, and the remaining five-sixths shall belong to the cultivator; if this person above-mentioned, having agreed to take land of the other, for the purpose of cultivation, should afterwards neglect either to cultivate it himself, or to cause it to be cultivated by others, in that case, whatever crops other lands in the same place, similar to the lands specified, shall produce upon a medium, the cultivator shall give to the owner of the ground the proportion of one sixth of such medium crop, and the magistrate also shall take from the cultivator a fine of the same value.

IF a man makes over to another, for the purpose of cultivation, land that has been waste for three years, or for four years, and that person by improvement of the soil raises a crop there, in that case, of the whole of the crop so raised, one eighth shall go to the owner of the ground, and the remaining seven eighths shall

shall belong to the cultivator; if this person above-mentioned, having agreed to take land of the other, for the purpose of cultivation, should afterwards neglect either to cultivate it himself, or to cause it to be cultivated by others, in that case, whatever crops other lands in the same place, similar to the lands specified, shall produce upon a medium, the cultivator shall give to the owner of the ground the proportion of one eighth of such medium crop; and the magistrate also shall take from the cultivator a fine of the same value.

IF a man makes over to another, for the purpose of cultivation, land that has been waste for five years, or for any longer period whatever, and that person, by cultivation, raises a crop there, in that case, of the whole of the crop so raised, one tenth shall go to the owner of the ground, and the remaining nine tenths shall belong to the cultivator; if this person above-mentioned, having agreed to take land of the other, for the purpose of cultivation, should afterwards neglect either to cultivate it himself, or to cause it to be cultivated by others, in that case, he shall pay the proportionate value and fine, in the manner above specified.

IF a person, by any reason rendered incapable, neglects to till his own ground, and another person, without his express permission, should cultivate such land, after it has been waste one year, or two years, or three years, or four years, and raise a crop from thence, and the owner of the ground, being acquainted with the cultivation, at the time thereof, did not forbid it, in that case, if the owner of the ground, within the space of seven years, hath not furnished the proportionate expence of cultivating the land, he may not reclaim his land; but the cultivator shall be held to give to the owner of the land a proportion of the crop, after the manner above specified; if he gives not such proportion, the owner of the land may reclaim his property, even within seven years; also, upon having furnished no part of the expence of cultivation, after seven years, the owner of the land may take back his ground: in the same manner, if land be cultivated, after lying waste for five or more years, and the

owner of the land, within the space of eight years, hath not furnished the proportionate expence of cultivation, he may not reclaim his land, he shall recover it after the ninth year; if land that is not waste be cultivated, in that case, the owner may take back his land at his own pleasure.

UPON the death of any person, if any other should cultivate the land of the deceased that has been waste for one, two, three or four years, and raised a crop from thence, in that case, if the heirs of the deceased, within the space of seven years, have not furnished the expence of cultivating that waste land, they may not take the ground from that person; but the cultivator shall give to the heirs of the above-mentioned deceased a proportion, in the manner already specified; if he hath not given such proportion, the owner of the land may recover his land, within the space of seven years; also, after the eighth year, if the heir above-mentioned hath not furnished the expence, he may take his land: in the same manner, if land be cultivated, after lying waste for five or more years, and the heir aforesaid hath not to the eighth year furnished the expence of cultivating the waste land, he shall not have power to take his land from that person, he may reclaim it after the ninth year, at his own pleasure.

WHEN a person is absent upon travel, if another should cultivate his land, after it has lain waste one, or two, or three, or four years, and should raise a crop from thence, in that case, if neither the person aforesaid, nor his heirs, within the space of seven years, have furnished the expence, upon cultivating such waste ground, that ground may not be taken from the other person; but the cultivator shall pay to the person aforesaid, or to his heir, a proportion, after the manner above specified; if he does not give such proportion, in that case, the owner of the land, or his heir, within the space of seven years, may take the land; also, after the eighth year, if the person aforesaid, or his heir, have not furnished the expence, upon cultivating the waste land, they may recover the land: in the same manner, if land be cultivated, after lying waste for five or
more

more years, in that case, if that person aforesaid, or his heir within the space of eight years, hath not furnished the expence, upon cultivating such waste land, they may not reclaim the aforesaid land, they shall recover it after the ninth year.

IF a person gives to another, for cultivation, land that is not waste, who, by cultivation, raises a crop from thence, in that case, of the whole of that crop, one sixth shall go to the owner of the ground, and he shall give the remaining five sixths to the cultivator; if this person above-mentioned, having agreed to cultivate the land of such other person, should afterwards neglect either to cultivate it himself, or to cause it to be cultivated by others, in that case, the cultivator shall pay the proportionate value and fine, in the manner above specified, in the section of the cultivation of waste land.

IF a man gives to any person, for cultivating, land waste or not waste, he may not take it back from that person, without some fault found in him.

IF a man is desirous to cultivate the land of any other person, who does not give his consent for the cultivation of the same, and, without any discourse having passed between them, that man should cultivate the land, and raise a crop from thence, the whole of such crop shall go to the owner of the ground, and the cultivator shall receive nothing.

IF a man sows seed upon his own ground, and by any chance whatever some of that seed should fall upon another person's ground, and a crop should arise from thence, that crop shall go to the owner of the ground, and not to the owner of the seed.

IF a man hath sowed seed upon his own land, and any other person should spoil that seed, in that case, the magistrate shall chastise that person, and take a fine from him, and cause him to make good to the other the seed so spoiled.

C H A P. XIV.

Of Cities and Towns, and of the Fines for damaging a Crop.

WHEREVER men of the tribe of *Sooder*, and husbandmen, are very numerous, and where there is much ground fit for tillage, such place is called *Gràm*, or a town.

A PLACE that hath eight *cofe* in length and breadth, and on the skirts of which, on all the four sides, is a ditch, and above the ditch, on all the four sides, a wall or parapet, and on all the four sides of it are *bamboos*, and on the east or north side thereof a hollow or covered way, such place is called *Nigher*, or a city: in the same manner, if it hath four *cofe* in length and breadth, it is called *Kheet*, or a small city; and if it hath two *cofe* in length and breadth, it is called *Gherbut*, or a small city.

THE road for passing and repassing shall be at the choice of the inhabitants of a town; but if a man possess only a small lot of ground, a small parcel only of this ground shall be included in the road; and whoever has a large parcel of ground, a larger share of his ground shall be included in the road.

ON each of the four sides of a town, they shall leave four hundred cubits, and from thence commence their tillage; and on each of the four sides of a city, they shall leave sixteen hundred cubits, and from thence commence their tillage; and on each of the four sides of a small city, they shall leave twelve hundred cubits, and from thence commence their tillage; and on each of the four sides of a smaller city, they shall leave eight hundred cubits, and from thence commence their tillage; within this space above specified, no tillage shall be made: if a person, having made any cultivation, neglects to enclose it, and
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the crop thereof should be eaten by the cows, buffaloes, and such kind of animals, the owner of those animals, and the keeper of them, shall not be amenable : if any person knowingly leaves his cattle upon such tillage, and so causes them to feed there, the magistrate shall punish such a person in the same degree as a thief.

IF a person cultivates land adjoining to the road, without inclosing such land, and the crop thereof be eaten by cows, buffaloes, horses, camels, goats, sheep, or any such kind of animals, the owner and the keeper of them shall not be amenable; if any person knowingly causes his cattle to feed upon the crops, the magistrate shall punish such a person in the same degree as a thief.

DURING the night, if a single cow should get into any person's ground, and feed there, without hinderance, in that case, the magistrate shall fine the owner of the cow five silver coins; and if, during the day, a single cow hath eaten the crop upon any person's ground, without hinderance, the magistrate shall fine the owner of the cow six silver coins; also, if, either during the day or the night, a single cow should feed upon the crop on any person's ground, without hinderance, for the space of two *ghurries*, the magistrate shall fine the owner of the cow two silver coins; and if the cow was under the care of a keeper, at the time of her feeding upon such crop, the keeper shall pay the fine, and pay also to the owner of the land the value of whatever part of the crop such cow hath eaten.

IF a camel hath eaten of the crop upon the ground of any person, the magistrate shall fine the owner of the camel twelve silver coins, and give the value of such crop to the owner of the land; if the camel was under the care of a keeper, at the time of eating the crop upon a person's ground, in that case, the keeper shall make good the suit of the owner of the ground, and shall also pay the fine.

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IF a horse or buffalo hath eaten the crop upon any person's ground, the magistrate shall cause the owner of the land to pay the crop, and shall also fine him twenty silver coins; if the horse or buffalo was under the care of a keeper, at the time of eating such crop, the owner of them has no concern therein, the keeper shall be held to make good both the fine and the crop.

IF a goat or a sheep hath eaten of the crop upon any person's ground, in that case, the magistrate shall cause the owner of the goat or sheep to give such crops to the owner of the ground, and shall fine him four silver coins; if the goat or sheep was under care of a shepherd, at the time of eating the crop, in that case, the shepherd shall be held to make good both the fine and the crop, the owner has no concern therein.

EXCLUSIVE of these animals, whose names have been above mentioned, if any other animal whatever hath eaten the crop upon any person's ground, in that case, the magistrate shall cause the proprietor of the animal to pay the crop to the owner of the ground, and shall fine him one *pun* five *gundâes* of *cowries*: if that animal was under the care of a keeper, the keeper shall be held to make good both the fine and the crop, the owner hath no concern therein.

IF the foal of a mare, or of a camel, or of a cow, or of a buffalo, or of any other animal, hath eaten the crop on any person's ground, in that case, the magistrate shall cause the owner of the foal to make good the crop to the owner of the ground, and shall fine him two silver coins; if such foal was under the care of a keeper, while it fed upon such crop, the keeper shall be held to make good both the crop and the fine, the owner hath no concern therein.

IF a cow, or a buffalo, or a horse, or a camel, or any other animal, hath eaten a great quantity of the crop on another person's ground, and hath staid there a long time, without any disturbance, in that case, the magistrate shall cause the owner
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of the animal to make good the crop to the owner of the land, and shall fine him double of the rates of fines already above specified; if the animal was under the care of a keeper during the time of eating such crop, the keeper shall be held to make good both the crop and the fines, the owner hath no concern therein.

IF a cow, or buffalo, or any other animal, hath eaten the crop upon any person's ground, and hath slept the whole day, or the whole night, upon that ground, in that case the magistrate shall cause the owner of the animal to make good the crop to the owner of the ground, and shall fine him quadruple of the rates of fines already above specified; if there was a keeper, at the time the crop was eaten, that keeper shall make good both the crop and the fine, the owner hath no concern therein.

IF a person causes any animal belonging to himself to eat, in his own sight, the crop upon another man's ground, in that case the magistrate shall cause him to make good the crop to the owner of the ground, and shall punish him in the same manner as a thief.

IF a cow, or buffalo, or a horse, or a camel, or any other animal, being under the care of a keeper, hath eaten the crop upon the ground of any person, in such a manner that there is not any crop upon that ground, in that case the magistrate shall fine the keeper to the utmost of his worth; if the keeper is unable to pay a fine, in that case the magistrate shall take a fine from the owner, and shall chastise the keeper, and shall cause the crop to be made good to the owner of the ground.

IF a horse, or a camel, or a buffalo, or any other animal belonging to any person, hath eaten the crop upon another man's ground, and this man makes a demand for his crop, in that case that person shall make good such crop, and shall also give whatever quantity of grafs may arise upon that crop.

IF a cow hath eaten the crop on any man's ground, it is not right for that man to take an equivalent of such crop from
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the owner of the cow; if he takes the equivalent, he is entitled to it, but it is nevertheless a crime in him.

DURING the time that a keeper is tending kine, buffaloes, or such kind of animals, if at such time he attends the summons of the magistrate, or is stricken by lightning, or bitten by a serpent, or falls down from a tree, or is carried off by a tiger, or becomes sick, during these, or any such kind of accidents, if the kine, buffaloes, or any other animals, eat the crop on any person's ground, in that case the keeper shall not be amenable; also, if, while the owner himself was tending his kine, buffaloes, or other animals, any such accident should happen to him, and the animals aforesaid should eat the crop on any person's ground, the owner of the animals shall not be amenable.

A BULL, to whom cows are driven for leaping, in expectation of their producing calves, such bull is called *Beejesbuktà*; if such bull eats the crops upon any person's ground, the owner or keeper of the bull shall not be amenable.

A BULL, upon whose rump, at the time of the *Seràdeh*, or festival of any person, they make a scar, and let him loose, such bull goes wherever he chuses; no person performs the office of keeper to such bull: the name of such bull is *Bereesocherg*: if this bull eats the crop upon the ground of any person, the owner of the bull shall not be amenable.

IF a cow belonging to one town hath been lost, or hath strayed to any other town, and there eats the crop upon the ground of any person, in that case the owner and keeper of the cow shall not be amenable.

IF a cow, having brought forth a calf, before the elapse of ten days from the time of her calving, should eat of the crop upon the ground of any person, in that case the owner and keeper of the cow shall not be amenable.

WHEN a cow, from her own impulse and inclination, is accompanying a bull to be leaped by him, if, at such time, the cow aforesaid should eat of the crop upon the ground of any person, in that case the owner and keeper of the cow shall not be amenable.

IF a cow, or a horse, or a buffalo, or a camel, or any other animal, being blind or lame, should eat the crop upon any person's ground, the owner and keeper of such animals shall not be amenable.

IF the magistrate's elephant, or the magistrate's horse, should eat the crop upon the ground of any person, the owner and the keeper thereof shall not be amenable.

IF a weasel, or a mouse, or a rat, or any such kind of small animal, or a mule, should eat of the crop upon the ground of any person, the owner and keeper of these animals shall not be amenable.

IF a cow without a keeper, being frightened at seeing an army, or by a thunder storm, or any other accident, should run away, and eat the crop upon the ground of any person, the owner of that cow shall not be amenable.

IF a man hath laid up hay in a garden, or any other place, to feed his own cattle, and another person's cow, or buffalo, or any other animal, should eat that hay, or should eat the crop upon any man's ground, or should go into any man's house, or garden, or tilled land, upon such fault, that person has power to catch and bind the aforesaid animals, and may also slightly beat them: if, without such fault, any person should catch and bind the aforesaid animals, or beat them, the magistrate in that case shall hold him amenable.

C H A P. XV.

Of scandalous and bitter Expressions, (i. e. such Expressions as it is a crime to utter).

IF a man falsely accuses another, it is called *Pàk-Pàrisb*.

Sect. I. Of the denominations of the crime.

Sect. II. Of the punishment for the *Pàk-Pàrisb*.

S E C T. I.

Of the denominations of the crime, consisting of three distinctions.

I. **W**HEN a man utters such expressions, as that, from those expressions, any person becomes suspected of the *atee pàtuk*, or the *màhà pàtuk*, or the *anoo pàtuk*.

Atee pàtuk is, when a man commits incest with his own mother, or with his own daughter, or with his son's wife.

Màhà pàtuk is, when a man murders a *Bramin*, or when, being a *Bramin*, he drinks wine; or when any person steals eighty *asbrufees* from a *Bramin*; or when a man commits adultery with any of his father's wives, exclusive of his own mother, or with the wife of a *Bramin*; when a man hath committed any one of these crimes, such crime is called *màhà pàtuk*: whoever continues intimate with such a person for the space of one year, his crime is also *màhà pàtuk*.

THE modes of intimacy are as follows, viz.

IF a person hath discoursed with such kind of offenders, or hath contaminated himself by touching them, or hath sat in the same place to eat with them, or sits upon the same carpet with them, and sleeps there, or rides together with them in the same carriage and conveyance; if such intimacy continues for the space of one year, it is *màhà pàtuk*.

IF a person eats at the same table with a man guilty of *màhà pàtuk*, or, by dressing victuals for a man guilty of *màhà pàtuk*, gives him to eat, or teaches any science to a man guilty of *màhà pàtuk*, in such cases an intimacy of a single day is *màhà pàtuk*.

Anoo pàtuk is, when a *Sooder*, assuming the *braminical* thread, calls himself a *Bramin*; or when a man falsely accuses a faultless magistrate; or when a man, by false reports, makes his father infamous; or when a man reads any unorthodox *Shaster*, and forgets the *Beids* of the *Shaster*; or when a man utters any abuse against the *Beids*; or when a man murders his friend, or gives false testimony, or eats the victuals of the washerman's cast, or of the shoe-embroiderer's cast, or of any other base cast; or when a man spoils another person's goods committed to his trust; or when a man steals a man, or a horse, or money, or land, or diamonds, or any other jewels, or when a man commits adultery with his paternal uncle's wife, or with his grandfather's wife, or with his wife's mother, or with the magistrate's wife, or with his father's sister, or with his mother's sister, or with the wife of a *Bramin* who hath read the *Beids*, or with his tutor's wife, or with his friend's wife, or with the wife of a person descended from the same grandfather with himself, or with the wife of a man of a superior cast, or with the wife of a man of a base cast, or with a *Bramin's* unmarried daughter, or with any woman during her *catamenia*, or with a woman employed in the worship of Providence; every one of these crimes is *anoo pàtuk*.

2. WHEN a man falsely accuses another, in such a manner that he becomes suspected of the *opoo pàtuk*.

Opoo pàtuk is, when a man hath slain a cow; or when a man sells himself, or commits adultery with another man's wife, or forsakes his father, or his mother, or his spiritual guide, or his son, without any fault on their side; or when a man, having commenced a *jugg* for his whole life, relinquishes that *jugg*; or when any *Bramin* studies not the *Beids*; or when a man marries while his elder brother remains unmarried; or when a man marries his daughter to such a person; or when a man gives the younger sister in marriage while the elder sister remains unmarried; or when a man thrusts his finger into the *pudendum* of an unmarried virgin; or when a man, not being of the *Bice* cast, engages in trade while no calamity obtains; or when a *Bramin*, or *Chebteree*, having commenced any religious act, neglects to complete it; or when a man sells his wife, or his son, or his daughter, without their consent; or when a *Bramin*, a *Chebteree*, or a *Bice*, neglects to assume the *Gentoo* thread at the proper period; or when a man refuses to eat and drink with men descended from the same grandfather with himself, whose characters are unimpeached; or when a man accepts any money to instruct another in a science; or when a man learns any science of such a person; or if a *Bramin*, a single time, sells wax or salt, or the seed of the *kunjud*, (from whence oil is made); or if a *Bramin*, as aforesaid, is twice guilty of selling milk; or, in the place where salt is boiled, if a *Bramin*, as aforesaid, becomes proprietor of such place; or when any person spoils the plantain tree, or any such kind of tree, which dies after the fruit has once ripened on it; or when a man takes to himself a livelihood from the money earned by a woman; or when a man performs the *jugg* to procure the death of any person; or when a man causes any person to take a philter, that he may procure an unwarrantable power over such person; or when a man cuts a great number of live trees for the purpose of dressing his victuals; or when a man dresses victuals for himself alone; or when a man eats his victuals at the hands of an astrologer, or
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from a man of the cast of *Deisol*, or from a thief; or when a man will not pay his debts; or if a *Bramin* neglects to perform the *jugg* every day; or when a man steals *paddee*, or wheat, or *gràm*, or *doll*, or any such kinds of grain, or iron, or silver, or brass, or copper, or any such kind of metals, except gold; or when a man studies such kind of *Shaster* as is not orthodox with respect to Providence; or when he constantly gives up his time to dancing, singing, and playing upon musical instruments; or when a man commits adultery with a drunken woman; or when a man deprives of life a woman, or a man of the *Bice*, or *Cheh-teree*, or *Sooder* cast; or when a man has no regard for his latter end, and for religious acts; all these crimes are *opoo pàtuk*.

3. WHEN a man utters such expressions, in behalf of another, as that he becomes suspected of *jàtee bherun kushker*, or of *shunkeree kurrun*, or of *apàteree kurrun*, or of *melàbbho*, or of *perkernukka*.

Jàtee bherun kushker is, when a man does any injury to a *Bramin*: or when a man smells at wine, or garlic, or onions; or when a man hath not a pure heart towards his friend; or when a man strikes any person on the buttock.

Shunkeree kurrun is, when a man slays an elephant, or a horse, or a camel, or an ass, or a stag, or a sheep, or a goat, or a buffalo, or a snake, or a fish.

Apàteree kurrun is, when a man receives any goods from a person of bad character; or when any man, except a *Bice*, engages in trade; or when any man becomes the servant of a *Sooder*; and when a man tells lies.

Melàbbho is, when a man deprives an ant of life, or kills a bird; or when a man steals fruit, or faggots, or flowers; or when a man is not possessed of patience; or when any person is drinking wine, if another person, during that time, at the same feast, eats fruits, or any other victuals.

Perkernukka

Perkernukkà is, any crime exclusive of the *atee pàtuk*, and other eight sorts of crimes, which have been above specified.—Of these three distinctions of the *pàk-pàrisb*, which have been explained, under nine subdivisions of crimes, the several punishments shall be described respectively.

S E C T. II.

Of the punishment for the pàk-pàrisb, or scandalous and bitter expressions.

IF a man, who is of an equal cast, and of equal abilities with another, makes him become falsely suspected of the crime of *atee pàtuk*, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of an inferior cast to another, and also of inferior abilities, falsely makes him suspected of the crime of *atee pàtuk*, the magistrate shall fine him two thousand *puns* of *cowries*.

IF a man of superior cast, and of superior abilities to another, falsely causes him to be suspected of the crime of *atee pàtuk*, the magistrate shall fine him of five hundred *puns* of *cowries*.

WHOEVER falsely accuses a woman of the crime of *atee pàtuk*, the magistrate shall fine him two thousand *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him, saying, “ You have committed the “ crime of *màhà pàtuk*,” the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of inferior cast, and of inferior abilities to another, causes him to be falsely suspected of the crime of *màhà pàtuk*, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, makes a false accusation of the crime of *màhà pàtuk* against him, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man falsely makes accusations of the crime of *màhà pàtuk* against a woman, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him, saying, " You have committed one of the crimes of *anoo pàtuk*," the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of the crime of *anoo pàtuk*, the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of the crime of *anoo pàtuk*, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man falsely accuses a woman of the crime of *anoo pàtuk*, the magistrate shall fine him two hundred *puns* of *cowries*.

IF a *Sooder* falsely accuses a *Bramin*, or a *Chehteree*, or a *Bice*, of either of the crimes of *atee pàtuk*, or *màhà pàtuk*, or *anoo pàtuk*, the magistrate shall cut out his tongue, and thrust a hot iron of ten fingers breadth into his mouth.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him of any of the lesser crimes of the *opoo pàtuk*, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of any of the lesser crimes of the *opoo pàtuk*,

pàtuk, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of any of the lesser crimes of the *opoo pàtuk*, the magistrate shall fine him twenty-five *puns* of *cowries*.

IF a man falsely accuses a woman of any one of the lesser crimes of the *opoo pàtuk*, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him of any one of the medium crimes of the *opoo pàtuk*, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of any one of the medium crimes of the *opoo pàtuk*, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of any one of the medium crimes of the *opoo pàtuk*, the magistrate shall fine him one hundred and twenty-five *puns* of *cowries*.

IF a man falsely accuses a woman of any one of the medium crimes of the *opoo pàtuk*, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him of any of the greater crimes of the *opoo pàtuk*, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of any one of the greater crimes of the *opoo pàtuk*,

pàtuk, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of any one of the greater crimes of the *opoo pàtuk*, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man falsely accuses a woman of any one of the greater crimes of the *opoo pàtuk*, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him of any one of the lesser crimes of the *jàtee bherun kushker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melàbhoo*, or of the *perkernukkà*, the magistrate shall fine him twenty-five *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of any one of the lesser crimes of the *jàtee bherun kushker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melàbhoo*, or of the *perkernukkà*, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of any one of the lesser crimes of the *jàtee bherun kushker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melàbhoo*, or of the *perkernukku*, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man falsely accuses a woman of any one of the lesser crimes of the *jàtee bherun kushker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melàbhoo*, or of the *perkernukkà*, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him of any one of the medium crimes of the *jàtee bherun kushker*, or of the *sbunkeree kurrun*, or of the

apàteree kurrun, or of the *melabbho*, or of the *perkernukkà*, the magistrate shall fine him one hundred and twenty-five *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of any one of the medium crimes of the *jàtee bherun kusbker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melabbho*, or of the *perkernukkà*, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of any one of the medium crimes of the *jàtee bherun kusbker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melabbho*, or of the *perkernukkà*, the magistrate shall fine him sixty-two *puns* of *cowries*.

IF a man accuses a woman of any of the medium crimes of the *jàtee bherun kusbker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melabbho*, or of the *perkernukkà*, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, falsely accuses him of any one of the greater crimes of the *jàtee bherun kusbker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melabbho*, or of the *perkernukkà*, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, falsely accuses him of any one of the greater crimes of the *jàtee bherun kusbker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melabbho*, or of the *perkernukkà*, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, falsely accuses him of any one of the greater crimes of the *jàtee bherun kusbker*, or of the *sbunkeree kurrun*, or of the *apàteree*

apàteree kurrun, or of the *melàbbho*, or of the *perkernukkà*, the magistrate shall fine him one hundred and twenty-five *puns* of *cowries*.

IF a man falsely accuses a woman of any one of the greater crimes of the *jàtee bherun kuskker*, or of the *sbunkeree kurrun*, or of the *apàteree kurrun*, or of the *melàbbho*, or of the *perkernukkà*, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man be deficient in a hand, or a foot, or an ear, or an eye, or a nose, or any other member, and a person of an equal cast, and of equal abilities with him, should say to him, in a reproachful manner, " You are deficient in a hand, or a foot, " or an ear, or an eye, or a nose, or any other member," or should say to him, " Such limb of yours is very beautiful," the magistrate shall fine him twelve *puns* of *cowries*.

IF a man be deficient in a hand, or a foot, or an ear, or an eye, or a nose, or any other member, and a person of an inferior cast, and of inferior abilities to him, should thus say to him, in a reproachful manner, " You are deficient in a hand, " or a foot, or an ear, or an eye, or a nose, or any other member," or should thus say, " This limb of yours is very beautiful," in that case the magistrate shall fine him twenty-four *puns* of *cowries*.

IF a man be deficient in a hand, or a foot, or an ear, or an eye, or a nose, or any other member, and a person of a superior cast, and of superior abilities to him, should thus, in a reproachful manner, say to him, " You are deficient in a hand, or a " foot, or an ear, or an eye, or a nose, or any other member," or should thus say, " This limb of yours is very beautiful," in that case, the magistrate shall fine him six *puns* of *cowries*.

IF a woman be deficient in a hand, or a foot, or an ear, or an eye, or a nose, or any other member, and a man should reproachfully say to her, " You are deficient in such limbs," or,

“ Such limb of yours is very beautiful,” in that case, the magistrate shall fine him twenty-four *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with any person, who is well skilled in any profession, should say to him, by way of setting off his own excellence, “ You have no skill “ whatever,” the magistrate, in that case, shall fine him two hundred *puns* of *cowries*.

IF a man of an inferior cast, and inferior abilities to any person, well skilled in any profession, should say to him, by way of setting off his own excellence, “ You have, in fact, no skill “ whatever,” in that case, the magistrate shall fine him four hundred *puns* of *cowries*.

IF a man of a superior cast, and superior abilities to any person, well skilled in any profession, should say to him, by way of setting off his own excellence, “ You have no skill whatever,” in that case, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man speaks reproachfully of any country, as, “ That “ country is most particularly bad,” the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man should say of a *Bramin*, that, “ This man is no “ *Bramin*” or of a *Chehteree*, that, “ This man is no *Chehteree*,” or in such manner should speak reproachfully of any cast, in that case, the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man should say of a religious person, that, “ This is not “ a religious person,” the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man speaks reproachfully of any upright magistrate, the magistrate shall cut out his tongue, or, having confiscated all his effects, shall banish him the kingdom.

IF a magistrate for his own good hath passed any resolutions, whoever refuses to submit to such resolutions, the magistrate shall cut out that person's tongue.

IF a magistrate, or a *Bramin*, be convicted of any crime, they shall not be put to death; nor shall their hand, or foot, or any other limb be cut off.

IF a man is a robber, or is secluded from his own cast, it is not right to call him a robber, or an outcast; if any person should call him a robber, or an outcast, the magistrate shall fine him in half the mulct of a robber, or an outcast.

IF a man is in company with a robber, or is desirous to eat and drink with an outcast, and another person should forbid so to do, that person shall not be amenable.

IF a man speaks reproachfully of his mother, or of his father, or of his spiritual director, or of his elder brother, or of a woman of good character, or of his son, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man speaks reproachfully of his wife's father or mother, the magistrate shall fine him fifty *puns* of *cowries*.

IF two persons mutually abuse each other, or mutually utter false accusations against each other, the magistrate shall take an equal fine from both parties.

IN any affair wherein a fine has not been specified, the magistrate nevertheless shall take a fine from the party, upon intelligence of the affair.

IN any affair where the cast and science of the party are mentioned, a fine shall be taken, according to the amount at which that particular cast and science are rated.

IF a person, from intoxication, or ideotism, should speak reproachfully of any one, the magistrate shall not hold him amenable.

IF a man should have spoken reproachfully of another, or should have abused him, and afterwards says, " I spoke it inconsiderately, or in jest, and I will not utter such expressions in future," the magistrate shall take from him half the fine that has been specified for such fault.

IF any man should say, that, " The magistrate will die at such a particular time," the magistrate shall fine that person eight hundred *puns* of *cowries*.

IF a man of inferior cast, proudly affecting an equality with a person of superior cast, should speak at the same time with him, the magistrate, in that case, shall fine him to the extent of his abilities.

CHAP.

C H A P. XVI.

Of Assault.

Sect. I. Of assault, and of preparation to assault.

Sect. II. Of cases where no fine is taken.

Sect. III. Of the fines for the death of animals.

S E C T. I.

Of assault, and of preparation to assault.

IF a man assaults, or prepares to assault, another person, with his hand, or foot, or with a club, or with sand, or with a weapon, or with a stone, or with any other article, it is called *Dumr Pàrish*, and hath three distinctions, *viz.*

1. *Abkoorun.*
2. *Neesbungpàt.*
3. *Keheet Dersben.*

Abkoorun is, when a man is prepared to assault: *Neesbungpàt* is, when a man beats another unmercifully, yet so as to shed no blood from his body: *Keheet Dersben* is, when a man chastises another in such a manner as to shed blood.

If a man of an equal cast, and of equal abilities with another, is prepared to throw upon his body, dust, or sand, or clay, or cow dung, or any thing else of the same kind, or is prepared to strike him with his hand or foot, the magistrate shall fine him one *màsbeh* of silver.

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IF a man of an inferior cast, and of inferior abilities to another, is prepared to throw upon his body, dust, or sand, or clay, or cow dung, or any thing else of the same kind, or is prepared to strike him with his hand or foot, the magistrate shall fine him three *māsbehs of silver*.

IF a man of a superior cast, and of superior abilities to another, is prepared to throw upon his body, dust, or sand, or clay, or cow dung, or any thing else of that kind, or is prepared to strike him with his hand or foot, the magistrate shall fine him half a *māsbeh of silver*.

IF a man of an inferior cast, and of superior abilities to another, or of a superior cast and inferior abilities to him, is prepared to throw upon his body, dust, or sand, or clay, or cow dung, or any thing else of that kind, or is prepared to strike him with his hand or foot, the magistrate shall fine him one *māsbeh of gold*.

IF a man of an equal cast, with superior abilities, or of a superior cast and equal abilities with another, is prepared to throw upon his body, dust, or sand, or clay, or cow dung, or any thing else of the same kind, or is prepared to strike him with his hand or foot, the magistrate shall fine him two *masbehs of silver*.

IF a man is prepared to throw upon a woman's body, dust, or sand, or clay, or cow dung, or any thing else of the same kind, or is prepared to strike her with his hand or foot, the magistrate shall fine him two *māsbehs of silver*.

IF a man of an equal cast, and of equal abilities with another, throws upon his body, dust, or sand, or clay, or cow dung, or any thing else of the same kind, or strikes him with his hand or foot, the magistrate shall fine him ten *puns of cowries*.

IF a man of an inferior cast, and of inferior abilities to another, throws upon his body, dust, or sand, or clay, or cow dung, or any thing else of the same kind, or strikes him with his hand or foot, the magistrate shall fine him thirty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, throws upon his body dust, or sand, or clay, or cow dung, or any thing else of the same kind, or strikes him with his hand or foot, the magistrate shall fine him five *puns* of *cowries*.

IF a man of an inferior cast and of superior abilities, or of a superior cast and inferior abilities to another, throws upon his body dust, or sand, or clay, or cow dung, or any thing else of the same kind, or strikes him with his hand or foot, the magistrate shall fine him ten *puns* of *cowries*.

IF a man of an equal cast with superior abilities, or of a superior cast and equal abilities with another, throws upon his body dust, or sand, or clay, or cow dung, or any thing else of the same kind, or strikes him with his hand or foot, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man throws upon a woman's body dust, or sand, or clay, or cow dung, or any thing else of the same kind, or strikes her with his hand or foot, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, is prepared to cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or the refuse of victuals, or spittle, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, is prepared to cast upon his body tears, or phlegm, or the
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paring of his nails, or the gum of his eyes, or the wax of his ears, or the refuse of victuals, or spittle, the magistrate shall fine him sixty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, is prepared to cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or the refuse of victuals, or spittle, the magistrate shall fine him ten *puns* of *cowries*.

IF a man of inferior cast and superior abilities, or of a superior cast and inferior abilities to another, is prepared to cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or the refuse of victuals, or spittle, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man of an equal cast, with superior abilities, or of a superior cast and equal abilities with another, is prepared to cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or the refuse of victuals, or spittle, the magistrate shall fine him forty *puns* of *cowries*.

IF a man is prepared to cast upon a woman's body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or the refuse of victuals, or spittle, the magistrate shall fine him forty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, should cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or spittle, or the refuse of victuals, the magistrate shall fine him forty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears,

or spittle, or the refuse of victuals, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man of superior cast, and of superior abilities to another, should cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or spittle, or the refuse of victuals, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man of an inferior cast, with superior abilities, or of a superior cast and inferior abilities to another, should cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or spittle, or the refuse of victuals, the magistrate shall fine him forty *puns* of *cowries*.

IF a man of an equal cast, with superior abilities, or of a superior cast and equal abilities with another, should cast upon his body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or spittle, or the refuse of victuals, the magistrate shall fine him eighty *puns* of *cowries*.

IF a man should cast upon a woman's body tears, or phlegm, or the paring of his nails, or the gum of his eyes, or the wax of his ears, or spittle, or the refuse of victuals, the magistrate shall fine him eighty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, throws upon him, from his navel downwards to his foot, any spue, or urine, or ordure, or semen, the magistrate shall fine him forty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, throws upon him, from his navel downwards to his foot, any spue, or urine, or ordure, or semen, the magistrate shall fine him one hundred and twenty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, throws upon him, from the navel downwards to the foot, any spue, or urine, or ordure, or semen, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man of an inferior cast and superior abilities, or of a superior cast and inferior abilities to another, throws upon his body, from the navel downwards to the foot, any spue, or urine, or ordure, or semen, the magistrate shall fine him forty *puns* of *cowries*.

IF a man of an equal cast with superior abilities, or of a superior cast and equal abilities with another, throws upon him, from the navel downwards to the foot, any spue, or urine, or ordure, or semen, the magistrate shall fine him eighty *puns* of *cowries*.

IF a man throws upon a woman, from the navel downwarde to the foot, any spue, or urine, or ordure, or semen, the magistrate shall fine him eighty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, throws upon his body, from the navel upwards to beneath the neck, any spue, or urine, or ordure, or semen, the magistrate shall fine him sixty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, throws upon his body, from the navel upwards to beneath the neck, any spue, or urine, or ordure, or semen, the magistrate shall fine him one hundred and eighty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, throws upon his body, from the navel upwards to beneath the neck, any spue, or urine, or ordure, or semen, the magistrate shall fine him thirty *puns* of *cowries*.

IF a man of an inferior cast with superior abilities, or of a superior cast and inferior abilities to another, throws upon his body, from the navel upwards to beneath the neck, any spue, or urine, or ordure, or semen, the magistrate shall fine him sixty *puns* of *cowries*.

IF a man of an equal cast with superior abilities, or of a superior cast and equal abilities with another, throws upon his body, from the navel upwards to beneath the neck, any spue, or urine, or ordure, or semen, the magistrate shall fine him one hundred and twenty *puns* of *cowries*.

IF a man throws upon a woman's body, from the navel upwards to beneath the neck, any spue, or urine, or ordure, or semen, the magistrate shall fine him one hundred and twenty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, throws upon him, from the neck upwards, any spue, or urine, or ordure, or semen, the magistrate shall fine him eighty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, throws upon him, from the neck upwards, any spue, or urine, or ordure, or semen, the magistrate shall fine him two hundred and forty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, throws upon him, from the neck upwards, any spue, or urine, or ordure, or semen, the magistrate shall fine him forty *puns* of *cowries*.

IF a man of an inferior cast with superior abilities, or of a superior cast with inferior abilities to another, throws upon him, from the neck upwards, any spue, or urine, or ordure, or semen, the magistrate shall fine him eighty *puns* of *cowries*.

IF a man of an equal cast, with superior abilities, or of a superior cast and equal abilities with another, throws upon him, from the neck upwards, any spue, or urine, or ordure, or semen, the magistrate shall fine him one hundred and sixty *puns* of *cowries*.

IF a man throws upon a woman, from the neck upwards, any spue, or urine, or ordure, or semen, the magistrate shall fine him one hundred and sixty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, is prepared to assault him with a stone, or with a piece of iron or wood, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, is prepared to assault him with a stone, or with a piece of iron or wood, the magistrate shall fine him seven hundred and fifty *puns* of *cowries*.

IF a man of a superior cast, and superior abilities to another, is prepared to assault him with a stone, or with a piece of iron or wood, the magistrate shall fine him one hundred and twenty-five *puns* of *cowries*.

IF a man of an inferior cast with superior abilities, or of a superior cast with inferior abilities to another, is prepared to assault him with a stone, or with a piece of iron or wood, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an equal cast with superior abilities, or of a superior cast and equal abilities with another, is prepared to assault him with a stone, or with a piece of iron or wood, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man is prepared to assault a woman with a stone, or with a piece of iron or wood, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, should strike him with a stone, or with a piece of iron or wood, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should strike him with a stone, or with a piece of iron or wood, the magistrate shall fine him one thousand five hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, should strike him with a stone, or with a piece of iron or wood, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an inferior cast with superior abilities, or of a superior cast with inferior abilities to another, should strike him with a stone, or with a piece of iron or wood, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an equal cast with superior abilities, or of a superior cast and equal abilities with another, should strike him with a stone, or with a piece of iron or wood, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man should strike a woman with a stone, or with a piece of iron or wood, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man unknowingly should cast upon another's body, any dust, or sand, or clay, or phlegm, or brick, or stone, or iron, or wood, or any thing else of that kind, or should strike him therewith, the magistrate shall not fine him.

IF a man of an equal cast, and of equal abilities with another, should haul him by the foot, or by the hair, or by the hand, or by the clothes, the magistrate shall fine him ten *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should haul him by the foot, or by the hair, or by the hand, or by the clothes, the magistrate shall fine him thirty *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, should haul him by the foot, or by the hair, or by the hand, or by the clothes, the magistrate shall fine him five *puns* of *cowries*.

IF a man of an inferior cast with superior abilities, or of a superior cast and inferior abilities to another, should haul him by the foot, or by the hair, or by the hand, or by the clothes, the magistrate shall fine him ten *puns* of *cowries*.

IF a man of an equal cast and superior abilities, or of a superior cast and of equal abilities with another, should haul him by the foot, or by the hair, or by the hand, or by the clothes, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man should haul a woman by the foot, or by the hair, or by the hand, or by the clothes, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, should seize and bind him in a cloth, and should set his foot upon him, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should seize and bind him in a cloth, and should set his

foot upon him, the magistrate shall fine him three hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, should seize and bind him in a cloth, and should set his foot upon him, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man of an inferior cast with superior abilities, or of a superior cast and of inferior abilities to another, should seize and bind him in a cloth, and should set his foot upon him, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man of an equal cast and superior abilities, or of a superior cast and equal abilities with another, should seize and bind him in a cloth, and should set his foot upon him, the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man should seize a woman, and bind her with a cloth, and should set his foot upon her, the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, should raise up any offensive weapon to assault him therewith, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should raise up any offensive weapon to assault him therewith, the magistrate shall fine him one thousand five hundred *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, should raise up any offensive weapon to assault him therewith, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man of an inferior cast and of superior abilities, or of a superior cast and inferior abilities to another, should raise up

any offensive weapon to assault him therewith, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an equal cast and superior abilities, or of a superior cast and equal abilities with another, should raise up any offensive weapon to assault him therewith, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man should raise up any offensive weapon to assault a woman therewith, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, should strike him with a weapon, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should strike him with a weapon, the magistrate shall fine him three thousand *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, should strike him with a weapon, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man of an inferior cast and superior abilities, or of a superior cast and inferior abilities to another, should strike him with a weapon, the magistrate shall fine him one thousand *puns* of *cowries*.

IF man of an equal cast and superior abilities, or of a superior cast and of equal abilities with another, should strike him with a weapon, the magistrate shall fine him two thousand *puns* of *cowries*.

IF a man should strike a woman with a weapon, the magistrate shall fine him two thousand *puns* of *cowries*.

IF a man of an equal cast, and of equal abilities with another, should strike him with a weapon, or any thing else, in such a manner, as that no blood flows from him, the magistrate shall fine him thirty *puns* of *cowries*; if a little blood is shed by the stroke, the magistrate shall fine him sixty-four *puns* of *cowries*; if the skin is torn, so that much blood flows from thence, the magistrate shall fine him one hundred *puns* of *cowries*; if both the skin and the flesh are torn, and a greater quantity of blood is by such means shed, he shall fine him twenty-four *asbrufies*; if both the skin and flesh are torn, and a bone is broken, and blood shed, he shall confiscate all his possessions, and banish him the kingdom.

IF a man of an inferior cast, and of inferior abilities to another, should strike him with a weapon, or any thing else, in such a manner, as that no blood flows from him, the magistrate shall fine him ninety *puns* of *cowries*; if a little blood is shed by the stroke, the magistrate shall fine him one hundred and ninety *puns* of *cowries*; if the skin is torn, so that much blood flows from thence, he shall fine him three hundred *puns* of *cowries*; if both the skin and flesh are torn, and a greater quantity of blood is by such means shed, he shall fine him seventy-two *asbrufies*; if both the skin and flesh are torn, and a bone is broken, and blood shed, he shall confiscate all his possessions, and banish him the kingdom.

IF a man of a superior cast, and of superior abilities to another, should strike him with a weapon, or any thing else, in such a manner, as that no blood flows from him, the magistrate shall fine him fifteen *puns* of *cowries*; if a little blood is shed by the stroke, he shall fine him thirty-two *puns* of *cowries*; if the skin is torn, so that much blood flows from thence, he shall fine him fifty *puns* of *cowries*; if both the skin and flesh are torn, and a greater quantity of blood is by such means shed, he shall fine him twelve *asbrufies*, if both the skin and flesh are torn, and a bone is broken, and blood shed, the magistrate shall confiscate all his possessions, and banish him the kingdom.

IF a man of an inferior cast and of superior abilities, or of a superior cast and of inferior abilities to another, should strike him with a weapon, or any thing else, in such a manner, as that no blood flows from him, the magistrate shall fine him thirty *puns* of *cowries*; if a little blood is shed by the stroke, he shall fine him sixty-four *puns* of *cowries*; if the skin is torn, so that much blood flows from thence, he shall fine him one hundred *puns* of *cowries*; if both the skin and flesh are torn, and a greater quantity of blood is by such means shed, he shall fine him twenty-four *asbrufies*; if both the skin and flesh are torn, and a bone is broken, and blood shed, the magistrate shall confiscate all his goods, and banish him the kingdom.

IF a man of an equal cast and superior abilities, or of a superior cast and equal abilities with another, should strike him with a weapon, or any thing else, in such a manner, as that no blood flows from him, the magistrate shall fine him sixty *puns* of *cowries*; if a little blood is shed by the stroke, he shall fine him one hundred and twenty-eight *puns* of *cowries*; if the skin is torn, so that much blood flows from thence, he shall fine him two hundred *puns* of *cowries*; if both the skin and flesh are torn, and a greater quantity of blood is by such means shed, he shall fine him forty-eight *asbrufies*; if both the skin and flesh are torn, and a bone is broken, and blood shed, the magistrate shall confiscate all his goods, and banish him the kingdom.

IF a man should strike a woman with a weapon, or any thing else, in such a manner, as that no blood flows from her, the magistrate shall fine him sixty *puns* of *cowries*; if a little blood is shed by the stroke, he shall fine him one hundred and twenty-eight *puns* of *cowries*; if the skin is torn, so that much blood flows from thence, he shall fine him two hundred *puns* of *cowries*; if both the skin and flesh are torn, and a greater quantity of blood is by such means shed, he shall fine him forty-eight *asbrufies*: if both the skin and flesh are torn, and a bone is broken, and blood shed, the magistrate shall confiscate all his goods, and banish him the kingdom.

IF a man of an equal cast, and of equal abilities with another, should strike him with any weapon upon the ear, or upon the nose, or upon the hand, or upon the foot, or upon the lip, or in the eye, or upon the tongue, or upon the *penis*, or upon the joint of the knee, the magistrate shall fine him five hundred *puns* of *cowries*; if he strikes upon any of these limbs above specified, in such a manner, as that they are thereby cut off, and separated from the body, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man of an inferior cast, and of inferior abilities to another, should strike him with any weapon upon the ear, or upon the nose, or upon the hand, or upon the foot, or upon the lip, or in the eye, or upon the tongue, or upon the *penis*, or upon the joint of the knee, so that these limbs are not separated from the body, the magistrate shall fine him one thousand five hundred *puns* of *cowries*; if, by that stroke, any of these limbs above specified are cut off, and separated from the body, he shall fine him three thousand *puns* of *cowries*.

IF a man of a superior cast, and of superior abilities to another, should strike him with any weapon upon the ear, or upon the nose, or upon the hand, or upon the foot, or upon the lip, or in the eye, or upon the tongue, or upon the *penis*, or upon the joint of the knee, so that these limbs are not separated from the body, the magistrate shall fine him two hundred and fifty *puns* of *cowries*; if, by that stroke, any of these limbs above specified are cut off, and separated from the body, he shall fine him five hundred *puns* of *cowries*.

IF a man of an inferior cast, and superior abilities, or of a superior cast and inferior abilities to another, should strike him with any weapon upon the ear, or upon the nose, or upon the hand, or upon the foot, or upon the lip, or in the eye, or upon the tongue, or upon the *penis*, or upon the joint of the knee, so that these limbs are not separated from the body, the magistrate shall fine him five hundred *puns* of *cowries*; if, by that stroke,
any

of these limbs above specified are cut off, and separated from the body, he shall fine him one thousand *puns* of *cowries*.

IF a man of an equal cast and superior abilities, or of a superior cast and equal abilities with another, should strike him with any weapon upon the ear, or upon the nose, or upon the hand, or upon the foot, or upon the lip, or in the eye, or upon the tongue, or upon the *penis*, or upon the joint of the knee, so that these limbs are not separated from the body, the magistrate shall fine him one thousand *puns* of *cowries*; if, by that stroke, any of these limbs above specified are cut off, and separated from the body, he shall fine him two thousand *puns* of *cowries*.

IF a man should strike a woman with any weapon upon the ear, or upon the nose, or upon the hand, or upon the foot, or upon the lip, or in the eye, or upon the tongue, or upon the *pudendum*, or upon the joint of the knee, so that these limbs are not separated from the body, the magistrate shall fine him one thousand *puns* of *cowries*; if, by that stroke, any of the limbs above specified are cut off, and separated from the body, he shall fine him two thousand *puns* of *cowries*.

IF a man deprives another of life, the magistrate shall deprive that person of life; if a *Bramin* deprives any person of life, the *Bramin's* life shall not be taken in return, but he shall be fined one hundred *asbrufies*: a *Bramin* shall not be put to death upon any account whatever.

IF a man has put out both the eyes of any person, the magistrate shall deprive that man of both his eyes, and condemn him to perpetual imprisonment, and fine him eight hundred *puns* of *cowries*.

IF a man strikes a *Bramin* with his hand, the magistrate shall cut off that man's hand; if he strikes him with his foot, the magistrate shall cut off the foot; in the same manner, with whatever limb he strikes a *Bramin*, that limb shall be cut off; but if a *Sooder* strikes either of the three casts of *Bramin*, *Cheb-teree*,

teree, or *Bice*, with his hand or foot, the magistrate shall cut off such hand or foot.

IF many persons have assaulted a single man, in that case, according to the rates of fines that have been specified above, the magistrate shall take double of such fine from every individual.

IF a magistrate has committed a crime, and any person, upon discovery of that crime, should beat and ill-use the magistrate, in that case, whatever be the crime of murdering one hundred *Bramins*, such crime shall be accounted to that person; and the magistrate shall thrust an iron spit through him, and roast him at the fire: if a *Bramin* has committed a crime of this kind, one hundred *asbrufies*, as before mentioned, shall be taken from him as a fine; but he shall not be deprived of life.

IF two persons, being of equal cast, are mutually prepared to strike each other with their fists, the magistrate shall fine each of them ten *puns* of *cowries*; if they strike each other, the magistrate shall fine each of them twenty *puns* of *cowries*.

IF two persons of equal cast are mutually prepared to kick each other, the magistrate shall fine each of them twenty *puns* of *cowries*; if they kick each other, he shall fine each of them forty *puns* of *cowries*.

IF a man of an inferior cast, proudly affecting an equality with a man of superior cast, should travel by his side on the road, or sit or sleep upon the same carpet with him, the magistrate shall take a fine from the man of inferior cast, to the extent of his abilities.

IF a *Sooder* sits upon the carpet of a *Bramin*, in that case the magistrate, having thrust a hot iron into his buttock, and branded him, shall banish him the kingdom; or else he shall cut off his buttock.

IF a *Sooder*, out of pride, should spit his phlegm upon a *Bramin's* body, the magistrate shall cut off his lip; and, if a *Sooder* pisses upon a *Bramin's* body, the magistrate shall cut off his *penis*; and, if he should evacuate backwards his wind upon a *Bramin's* body, the magistrate shall cut off his fundament.

IF a *Sooder* hath plucked a *Bramin* by the hair or by the beard, or should take hold of a *Bramin's* neck or testicles, the magistrate shall cut off both his hands.

IF a man hath beaten another in such a manner, that his limbs are broken or wounded, the magistrate shall cause him to pay to that man such a sum of money as will defray the entire expence of the cure.

WHOEVER, in any dispute or disturbance, hath committed any robbery or theft, the magistrate shall cause him to return to the owner the article stolen, and shall fine him in double the value thereof.

IF a wife, or a son, or a slave, or a female slave, or a pupil, or a younger brother, hath committed a fault, they may be scourged with a lash, or with a *bamboo* twig, upon any part of their body where no dangerous hurt is likely to happen; but, if a person scourges them beyond such limitation, he shall suffer the punishment of a thief.

IF a pupil commits a fault, his master shall chastise him with severe expressions, and reprove him with frowns and anger, and say, "If you commit the same fault a second time, I will beat you;" and, if a pupil commits a fault in the cold season, his master may throw water upon his body.

IF a man hath beaten another, and afterwards this man returns the beating upon the first, the original offender shall pay a larger fine, and the other shall pay a smaller fine.

IF a man sets fire to another person's house, with intent to destroy him, or causes that person to take poison, or is desirous to murder him with a sword, or carries away that person's wife from his house, and keeps her to himself, or plunders all that person's effects, or his tillage, in that case, if the latter deprives the former of life, he shall not be amenable; but he shall not kill either a cow or a *Bramin*; such as these are separately treated of in the chapter of justice.

IF a man of inferior cast scurrilously abuses a man of a superior cast, and afterwards the superior cast chastises the inferior, in that case the superior cast shall not be amenable.

IF a man, out of malice, having inflicted a wound upon his own body, should make complaint against any other person, in that case the magistrate shall attend to the sound of his voice, as it comes from his throat, to find out the cause of the wound; as whether, at the time the wound was received, both the parties were in the same place or in different places; whether the person accused is capable of giving such a wound or no; upon investigation of this kind, if the voice in that person's throat should vary, or if there is the instrumental cause of the wound produced, or if both parties were in one place when the wound was given, or if the wounded person is capable of chastising the other, in that case it shall be proved, that the accused hath given the wound; if the cause cannot thus be settled, witnesses shall be called and examined, or an oath, or the *Purrikeh*, shall be taken; and upon discovery of the truth, whatever fine has been above specified in such cases, the magistrate shall take such a fine from the person who is convicted.

WHOEVER murders a man, if another person gives such murderer an asylum or food, or hath furnished him with any weapon for the commission of such murder, the magistrate shall fine that person one thousand *puns* of *cowries*.

S E C T. II.

Of cases where no fine is taken.

WHEN a woman is born from a woman of the *Sooder* cast, and a man of the *Chebteree* cast, such woman is called *Wokree*; and the son that is born from a woman of the *Chebteree* cast, and a man of the *Sooder*, is called *Kehtà*; and the son that is born from the woman *Wokree*, and the man *Kehtà*, is called *Shepàk*; if the *Shepàk* should abuse or assault any person, that person may chastise him; if of himself he is unable to chastise him, in that case the magistrate shall punish him according to the fault, and shall not take a fine from him.

A PERSON born an eunuch, a man of the *Cbendàl* cast, or of the fisherman cast, or of the hunter cast, or of the elephant-driver's cast, or of the *Gerhejàt* slave, (a slave that is born of the body of a female slave); if these should assault or abuse any person, that person may chastise them; if of himself he is unable to chastise them, the magistrate shall chastise them according to their fault, but shall not take a fine.

A *Bramin's* son, who hath not assumed the *braminical* thread until fifteen years of age, is called *Beràyut*; also a man of any low cast, upon touching whom, the *asbnàw* (that is, purification by bathing) must be performed; also whatever son is born of a mother of a superior cast, and a father of an inferior cast, if these persons assault any man, that person may chastise them; if of himself he is unable to chastise them, the magistrate shall chastise them according to their fault, but shall not take a fine.

HE who teaches the *Goiteree* is called *Achàrige*; whoever contradicts the words of such *Achàrige*, or whoever is constantly guilty of deceit and imposition, or who is guilty of the crimes of *màhà pàtuk*, or *atee pàtuk*, or any such crimes, if such men as these should assault any person, that person may
chastise

chastise them; if of himself he is unable to chastise them, the magistrate shall punish them according to their fault, but shall not take a fine from them.

S E C T. III.

Of the fines for the death of animals.

IF a man deprives of life, a goat, or a horse, or a camel, the magistrate shall cut off one hand and one foot from him.

IF a man causes the testicles to be cut from any animal, as a bull, or a horse, or a goat, or any such kind of animal, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man kills a bird of small value, the magistrate shall fine him three *puns* of *cowries*; if it be somewhat more valuable, he shall fine him twelve *puns* of *cowries*; and if it be an exceeding fine bird, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man kills a fish, the magistrate shall fine him ten *puns* of *cowries*.

IF a man kills an insect, the magistrate shall fine him one *pun* of *cowries*.

OF wild and sylvan animals, such as stags, sheep, tigers, bears, and such kind of animals; if a man kills one of the least valuable, the magistrate shall fine him three *puns* of *cowries*; if it be something better, he shall take twelve *puns* of *cowries*; if it be one of the most valuable of these animals, in that case, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man kills a serpent, or a cat, or a weasel, or a dog, or a boar, if it be not one of the most prized, the magistrate shall fine him three *puns* of *cowries*; if it be of the best species, he shall fine him twelve *puns* of *cowries*.

IF a man employs in ploughing, or any other work, a cow big with calf, or the bull called *Ochberg*, or the bull called *Beejesbuktà*, or a very aged and infirm cow, (of which several cattle an account is written in the chapter of cities and towns), the magistrate shall fine him fifty *puns* of *cowries*; and if he deprives any such of life, he shall fine him one thousand *puns* of *cowries*.

WHOEVER gains his subsistence by killing animals, and selling their flesh, skin and bones, if such person kills these animals, the magistrate shall not fine him; and exclusive of such person, if any other man kills any animals, the magistrate shall take from him a fine, after the rate above mentioned.

IF a man kills a he-goat, or a sheep, or a buffalo, or any other animal of this kind, for a sacrifice to *Dewtah* (*i. e.*) the deity, he shall not be amenable.

IF a man sells the flesh of dogs or jackals, calling it the flesh of goats or stags, the magistrate shall fine him one hundred *puns* of *cowries*; if he is constantly guilty of this practice the magistrate shall cut off his hand and his nose, and break his teeth, and fine him one thousand *puns* of *cowries*.

IF a *hackery* driver, at the time of driving the *hackeries*, should say, "Let all the people keep on one side, this is the road for the *hackeries*," upon this warning given by the driver, if any person should fail to go on that side, and, by falling under the *hackery*, should lose his life, in that case, it is no fault of the driver; but if the *hackery* driver neglects to give warning, and any person should be killed by falling under the *hackery*, in that case, upon the man's death, the driver shall suffer the same punishment as a thief: if a cow, or an ass, or a camel, or a horse, or a buffalo, or any such kind of animals, should be killed by falling under a *hackery*, the magistrate shall take half the fine, according to the rates of fines for killing such animals, herein above specified; if the foal of an elephant, or
of

of a horse, or of a camel, or of any such kind of animal be killed, the magistrate shall take a fine of two hundred *puns* of *cowries*; if a fine fawn or a bird should be killed, he shall take a fine of fifty *puns* of *cowries*; and if an ass, or a goat, or a sheep, should be killed, he shall fine him five *màshehs* of *silver*; and if a dog, or a weasel be killed, he shall fine him one *màsheh* of *silver*.

IF the owner of a *hackery* hires an incapable driver, who is not well experienced in his business, by whose want of skill any animal, either man, or beast, or bird, should lose its life, the magistrate shall fine the owner of the *hackery* two hundred *puns* of *cowries*.

IF any of these kind of animals above-mentioned should be killed, the magistrate shall cause the person who killed them to give an animal of the same kind to the owner of the animal destroyed, and shall take a fine, according to the rate already above specified,

CHAP.

C H A P. XVII.

Of Theft.

Sect. I. Of theft open and concealed.

Sect. II. Of the fines for open theft.

Sect. III. Of the fines for concealed theft.

Sect. IV. Of apprehending thieves.

Sect. V. Of those persons who are to be considered as thieves.

Sect. VI. Of the *Chokeydars* being answerable for stolen goods.

S E C T. I.

Of theft open and concealed.

THEFT is, when a man takes away any thing without the sight and knowledge of the owner of it, or without the sight and knowledge of the person to whom it was intrusted, and afterwards says, “ I have not taken such article ;” and this admits of two distinctions, open theft, and concealed theft.— Open theft is, when a man, having weighed and learned the weight of any article, commits a theft in that weight, upon delivery of the article ; as for instance, a goldsmith, or an ironmonger, or a grocer, or any such person who deals by weight ; or a physician, who, not giving to a diseased person the physic proper for his disorder, administers such unsuitable remedies, as that by them the sickness of the diseased becomes more violent, and who afterwards says, “ This man is seized with a most difficult disorder,” and, upon saying this, takes any thing for his physic ; or any person, who, by the chances of the dice, or by any other games of the same unlawful nature, takes away a
man’s

man's property; or an arbitrator, who receives a bribe from either plaintiff or defendant; or, in a case where several persons have been jointly employed upon one business, if any one of them deceives all the rest, and appropriates ought to himself; or if a person should say to another, "Some great misfortune" and calamity is coming upon you, give me something, that "I may make offerings to *Dewtah*, to avert this calamity from you," and afterwards should appropriate to himself the article given, instead of making such offerings therewith; or a man, who, concealing the fault of any blemished commodity, sells it for the price of an unblemished article of the same kind; or when a man, by giving false witness, takes away another's property; or a man, who, by shewing tricks with conjurors and jugglers, gets any thing; or a man, who, either by terrifying another, or by cajoling him, contrives to get any thing from him: these are called open (or apparent) thefts. Exclusive of these, all other kinds of theft, such as house-breaking, and other various schemes of robbery, are called concealed theft: both these kinds of thieves the magistrate shall apprehend; and, having told to the people the fact of the theft, shall take a fine from the thief, to the value of whatever goods he hath stolen. Also, whoever associates with thieves, or is found to have about him any instruments for piercing through walls, or other implements of robbery, or any goods that have been stolen from any person, such persons shall be apprehended, convicted of theft, and the punishment of a thief without fail be inflicted on them; for, by punishing thieves, the reputation of the magistrate is extended, and the tranquillity of the kingdom secured.

S E C T. II.

Of the fines for open theft.

IF a man, in weighing any article, hath by any means withheld one eighth of the whole, the magistrate shall fine him two hundred *puns* of *cowries*; if he hath thus withheld one ninth, in that case, out of the two hundred *puns* of *cowries*, one eighth shall be deducted, and the other seven parts shall be taken as a fine;

fine; if he hath committed a theft of one seventh, he shall be fined two hundred *puns of cowries*, and also one eighth of that sum in addition; and if a man, in computing, or in writing, or in the price of any article, or in any mode of the same kind, commits a theft of one eighth, the magistrate shall fine him according to the aforesaid rates; if he is frequently guilty of this kind of theft, he shall cut off the hair of his head*; and whoever has a passion, or ruling propensity to such thefts, his ear, or his nose, or his hand, or some such limb, shall be cut off; if a person, giving to another any inconsiderable article, in exchange for it, by some device or deceit, procures an article of value, or if he takes it at a low price any article that should be prized very high, if, by such device and deceit, he hath occasioned to the other a loss of one sixth, the magistrate shall fine him two hundred and fifty *puns of cowries*; if there is a loss of one fifth, or of a still greater proportion, the magistrate shall fine him five hundred *puns of cowries*.

If a man, proffering to sell grain for seed, should sell grain which is not fit for seed, the magistrate shall chastise him, and take a fine according to the offence.

If a man conceals the faults of any blemished commodity, or mixes good and bad articles together, and sells them all as good, or refits any old article, and sells it as new, the magistrate shall cause him to give double the price of the purchase to the purchaser, and shall fine him in the original price of the purchase.

If a man shews to another the *Butkàràh*, or his own stone weight, and, going from the shop to any other place, says, "This stone is in weight one *seer*," whereas, in truth, the stone weighs less than one *seer*, and the other person being ignorant of the deficiency of weight in the above-mentioned stone, should sell any goods in the shop of that man, by the weight of that stone, in that case, the magistrate shall fine that man eight times the price of the commodity sold; and if he is

* Loss of cast.

Frequently guilty of that crime, the magistrate shall confiscate all his goods.

WHOEVER uses a pair of false scales, and adjusts them fraudulently, the magistrate shall fine him one thousand *puns* of *cowries*; whoever tries gold and silver, if he says, that, adulterated gold or silver is pure and fine, and gives it to any man as such, or if he says of pure gold or silver, that, it is adulterated, and takes it as such, the magistrate shall fine him one thousand *puns* of *cowries*.

IF the magistrate's counsellor gives advice void of justice, or gains a subsistence by constantly receiving bribes, the magistrate shall confiscate all the possessions of such persons, and banish them the kingdom.

IF a physician, unskilled in the art of physic, causes any one to take a medicine, or, if skilled in his profession, he gives not to a sick man the remedy proper for his disorder, in that case, if he hath administered his physic to a man of a superior cast, the magistrate shall fine him one thousand *puns* of *cowries*; if he hath given it to a man of an inferior cast, he shall fine him five hundred *puns* of *cowries*.

IF a man, by device or deceit, takes any thing from a person who cannot distinguish between good and evil, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man, ignorant of astrology, tells the magistrate of his own accord, that some calamity will happen to him, the magistrate shall fine him, according to the extent of his fortune.

IF a washerman wears another man's clothes, the magistrate shall fine him three *puns* of *cowries*.

IF a man sells white copper, and tutanague made to counterfeit silver, the magistrate shall break the hand, nose, and teeth, of such person, and fine him one thousand *puns* of *cowries*.

IF a man sells silver, or any other article made to counterfeit gold, the magistrate shall break his hand, nose, and teeth, and fine him one thousand *puns* of *cowries*; if he is constantly guilty of such practices, the magistrate shall cut him into pieces with a razor.

IF a man sells any white stone made to counterfeit a jewel, or the thread of cotton made to counterfeit silk, or common fuel wood made to counterfeit sandal wood, in selling such counterfeits, whatever price he has exacted, greater than the real value of the article, the magistrate shall take eight times as much from him as a fine.

IF a man sells clay made to counterfeit musk, or any other articles, in selling it, whatever price he has exacted, greater than the real value of such article, the magistrate shall take eight times as much from him as a fine; and, whatever price the purchaser hath given, he shall receive it back again, and the magistrate shall return to the feller the article sold.

IF a man sells any article, by a nice imitation and counterfeit made to look like pearls or coral, whatever price he hath received for such article, the magistrate shall return that price to the purchaser, and shall take double of that sum as a fine, and the feller shall receive back the article sold.

GOLD, which, on being burnt one whole day and night, loses nothing of its weight, is called pure gold; when a man shews such gold to a person well skilled in assaying that metal, and requires his opinion of that gold, if that man answers, that the gold in question is not pure, in that case the magistrate shall fine him according to his means.

IF one hundred *tolechehs* of silver, upon being melted one whole day and night in the fire, are but two *tolechehs* deficient, such silver is called pure; when a man shews some such silver to a person well skilled in assaying that metal, and requires his
opinion

opinion of that silver, if that person answers, that “ The silver
 “ in question is not pure, the deficiency will be greater than
 “ the customary two *tolechebs*,” in that case the magistrate
 shall fine him according to his means.

IF one hundred *tolechebs* of *arzeez* (tin) and lead, upon being
 melted one whole day and night in the fire, are but eight *tole-*
chebs deficient, such *arzeez* and lead are pure; when a man
 shews some *arzeez* and lead to a person well skilled in assaying
 those metals, and requires his opinion thereon, if that person
 answers, that “ This *arzeez* and lead are not pure, the defi-
 “ ciency will be greater than that of the usual eight *tolechebs*,”
 in that case the magistrate shall fine him according to his means.

IF one hundred *tolechebs* of copper, upon being melted one
 whole day and night in the fire, are five *tolechebs* deficient, or
 one hundred *maunds* of iron, upon being melted one whole day
 and night in the fire, are ten *maunds* deficient, and a man shews
 some such copper and iron to a person well skilled in assaying
 those metals, if that person says, “ This copper and iron are
 “ not pure,” the magistrate shall fine him according to his
 means.

IF a man gives to be woven one hundred *tolechebs* weight of
 coarse cotton thread, or of coarse silk, upon being finished, its
 weight shall be increased ten *tolechebs*; if he gives middling
 thread, it shall be increased five *tolechebs*; if he gives fine
 thread, it shall be increased three *tolechebs*; such cloth, if a man
 shews to a person well skilled in judging these matters, and
 that person says less than the weight herein above specified, the
 magistrate shall fine him according to his means.

S E C T. III.

Of the fines for concealed theft.

WHOEVER, by breaking through walls, hath frequently
 stolen much wealth, the magistrate shall cause the booty to be

returned to the owners, and shall cut off both the hands of such person, and crucify him.

WHOEVER robs on the high-way, the magistrate shall cause a rope to be tied about his neck, and shall thus deprive him of life.

A THIEF, who, by plundering in his own country, spoils the province, the magistrate shall confiscate his goods, and crucify him; if he robs in another kingdom, he shall not confiscate his possessions, but shall crucify him.

IF a man steals any man of a superior cast, the magistrate shall bind the grass *beenà* (a particular species of grass so called) round his body, and burn him with fire; if he steals a woman of a superior cast, the magistrate shall cause him to be stretched out upon a hot plate of iron, and, having bound the grass *beenà* round his body, shall burn him in the fire.

IF a person steals a man or woman of a middling cast, the magistrate shall cut off both his hands and feet, and cast him out upon a highway where four roads meet.

IF a person steals a man of an inferior cast, the magistrate shall fine him one thousand *puns* of *cowries*; if he steals a woman of an inferior cast, the magistrate shall confiscate all his property.

IF a man, in the time of war, steals an elephant or a horse, the magistrate shall deprive him of life; if it is not in time of war, he shall cut off from him one hand and one foot.

IF a man steals an elephant or a horse excellent in all respects, the magistrate shall cut off his hand, and foot, and buttock, and deprive him of life.

IF a man steals an elephant or a horse of small account, the magistrate shall cut off from him one hand and one foot.

IF a man steals a camel or a cow, the magistrate shall cut off from him one hand and one foot.

IF a man steals a goat or a sheep, the magistrate shall cut off one of his hands.

IF a man steals any small animal, exclusive of the cat and the weasel, the magistrate shall cut off half his foot.

IF a man steals a greater quantity than ten *kombes* of *paddee*, or wheat, or barley, or small *gram*, or *doll*, or grain, or mustard seed, or *kunjud*, or any such sorts of grain, the magistrate shall deprive him of life.

THE mode of computation of the *kombes* is this :

Three <i>tolechehs</i> , two <i>maushs</i> , and eight <i>surcks</i> , make one <i>pul</i> ,	
Four <i>puls</i> — — — —	one <i>koodup</i> ,
Four <i>koodups</i> — — — —	one <i>perust</i> ,
Four <i>perusts</i> — — — —	one <i>adhuk</i> ,
Four <i>adhuks</i> — — — —	one <i>deroon</i> ,
Twenty <i>deroons</i> — — — —	one <i>kombes</i> :

According to the ordinations of *Kulp-teroo*.

Pàchesputtee Misr says, that

Twelve <i>handfuls</i> — — — —	make — — — —	one <i>koodup</i> ,
Four <i>koodups</i> — — — —	— — — —	one <i>perust</i> ,
Four <i>perusts</i> — — — —	— — — —	one <i>adhuk</i> ,
Four <i>adhuks</i> — — — —	— — — —	one <i>deroon</i> ,
Twenty <i>deroons</i> — — — —	— — — —	one <i>kombes</i> .

BUT, according to the ordinations of *Sewàrteh Behtàchàrige*, it is thus :

Eight.

Eight <i>handfuls</i>	—	make	—	one <i>koonchy</i> ,
Eight <i>koonchys</i>	—	—	—	one <i>pooskul</i> ,
Four <i>pooskuls</i>	—	—	—	one <i>adbuk</i> ,
Four <i>adbuks</i>	—	—	—	one <i>deroon</i> ,
Twenty <i>deroons</i>	—	—	—	one <i>koombels</i> .

* * * This is approved (or customary).

IF a man steals a lesser quantity than ten *kombels* of *paddee*, or wheat, or barley, or small *gràm*, or *doll*, or grain, or mustard-seed, or *kunjud*, or any such sorts of grain, in that case, the magistrate shall take, as a fine from the thief, eleven times as much as the quantity stolen, and return the article stolen to the owner.

IF a man steals from another person's granary as much *paddee*, or wheat, or barley, or small *gràm*, or *doll*, or grain, or mustard seed, or *kunjud*, or any such kinds of grain as may be computed to be a sufficient burden for one man to carry, in that case, the magistrate shall cause the aforesaid grain to be returned to the owner, and shall fine the thief one hundred *puns* of *cowries*.

IF a man steals from his friend's granary as much grain as may be computed a sufficient burden for one man to carry, the magistrate shall cause the aforesaid grain to be returned to the owner, and shall fine the thief fifty *puns* of *cowries*.

IF a man steals grain that has been reaped, which has not yet been taken from the straw, the magistrate shall fine him five coins of gold, and give back the aforesaid grain to the owner.

IF a man hath cultivated, by shares, the arable land of any person, and, for want of his proper care and custody, the crop on that ground should be stolen, in that case, whatever share of produce of that ground the cultivator was to have received, the

the magistrate shall fine him ten times as much, and shall cause to be given to the owner of the ground whatever was his proportionate share; if it be stolen by the fault of the cultivator's servant, he shall only pay five times as much for the magistrate's fine, but the servant shall be held to make good the fine.

IF a man steals camphire, or round pepper, or cardamoms, or nutmegs, or cloves, or such kind of things which are weighed in smaller scales, the magistrate shall cause the article stolen to be returned to the owner, and shall fine the thief ten times as much; if he steals of these things more than the value of ten *rupees*, the magistrate shall deprive him of life.

IF a man steals gold, or silver, or fine cloth, to a greater amount than one hundred *rupees*, the magistrate shall deprive him of life; if he steals to a less amount than one hundred *rupees*, and to a greater amount than fifty *rupees*, he shall cut off his hand; if he steals less than the value of fifty *rupees*, and more than that of twenty-five *rupees*, the magistrate shall fine him eleven times as much; if he steals to a less value than twenty-five *rupees*, the magistrate shall chastise him, and cause the article stolen to be returned to the owner.

IF a man steals jewels of a considerable value, the magistrate shall deprive him of life; if they are of small value, he shall fine him one thousand *puns* of *cowries*, and give back the jewels to the owner.

IF a man, in the season of cultivating land, and of sowing grain, steals a plough, or any other implement of husbandry, the magistrate shall cause such implement to be returned to the owner, and shall fine that man one hundred and eight *puns* of *cowries*.

IF a man steals *turreh*, that is to say *sagh*, that is, greens or roots, such as ginger or onions, or *turb*, that is, radishes, or any such kind of things, the magistrate shall fine him one hundred

dred *puns* of *cowries*, and cause the article stolen to be returned to the owner.

IF a man steals milk, or any thing that is made of milk, the magistrate shall cause the thing stolen to be returned to the owner, and shall take double of the value for a fine.

IF a man steals the flowers called *māasifer*, or *koosm*, or such kind of flowers as are used in dying cloths, or the *luttà* tree, or any other shrub, the magistrate shall cause the article stolen to be returned to the owner, and take five coins of gold as a fine.

IF a man steals cane, or *bamboo*, or any such wood, which is hollow within, the magistrate shall cause the article stolen to be returned to the owner, and take double the value thereof as a fine.

IF a man steals thread, or cotton, or cow dung, or hay or water, or sugar, or cane *togeries*, (a *toerie* is a basket made of cane, wherein any thing may be deposited), or salt, or earthen pots, or clay, or sand, or dust, or fish, or birds, or bitter oil, or meal, or honey, or leather, or the teeth or the bones of animals, or spirituous liquor, or victuals, or fruit, the magistrate shall cause the article stolen to be returned to the owner, and shall fine the thief in double the value.

IF a man hath been guilty of great theft in these articles, the magistrate shall fine him five times the value.

IF a man steals any wood which has been prepared for any particular purpose, or stone, or images of clay of an excellent shape, or a basket of *beet*, (*beet* is a sort of grass which has prickles on its back), the magistrate shall cause the commodity stolen to be returned to the owner, and shall take five times as much for a fine.

IF a man steals the water of a pool, or of a basin, the magistrate shall fine him two hundred and fifty *puns* of *cowries*; and whatever quantity of water he hath stolen, he shall cause to be returned to the owner.

IF a man, having stolen any thing, affirms, that he hath not stolen it, and the fact is afterwards proved upon him, the magistrate shall take from him a fine of four times as much, and cause the article stolen to be restored to the owner.

IF a man steals one wheel, or any other part of the furniture of a *hackery*, the magistrate, causing such article to be returned to the owner, shall fine the thief forty *puns* of *cowries*.

IF a man steals a *chuckreh*, (or smaller sort of *hackery* used for carrying burdens), the magistrate shall fine him one hundred and eighty *puns* of *cowries*.

IF a man steals the fire of the *Jugg*, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man steals the bucket and rope that is at the mouth of a well, the magistrate shall fine him one *masheh* of gold.

IF a man, with intent to steal, should once open any thing that is closed up, and should be caught in the act, the magistrate shall cut off his finger; if he should thus open any thing a second time, he shall cut off his hand and foot; if he opens any thing the third time, he shall be put to death.

IF a man, with intent to steal, should bind up any thing that is open, and be caught in the act, the magistrate shall cause him to be punished as a thief.

IF a man steals any flowers, or fruits, or wood, or grass, belonging to a *Bramin*, the magistrate shall cut off his hand.

IN thefts, where the magistrate would put to death a man of any other cast, if the offender be a *Bramin*, he shall not be put to death.

IF a *Bramin*, who is a man of property, and doth not study the *Beids*, should commit a robbery that deserves death, the magistrate shall not put him to death, but he shall confiscate all his effects, and banish him from the kingdom.

IF any *Bramin*, who is poor, and who also neglects to study the *Beids*, should commit a robbery that deserves death, the magistrate shall fasten a chain to the leg of such *Bramin*, and cause him to become a slave for life, and give him such a subsistence, as that at all events his life may be preserved.

IF a learned *Bramin*, whether rich or poor, commits a robbery that deserves death, the magistrate shall confine him in prison for life.

IF a *Bramin* of moderate capacity, who is neither very learned, nor very ignorant, commits a robbery that deserves death, the magistrate shall stamp the mark of the *puendum muliebre* upon his forehead with a hot iron, and banish him from the kingdom.

IF a *Bramin* of no capacity, who is not firm in the principles of his cast, commits a robbery that deserves death, the magistrate shall put out his eyes.

IF a *Bramin*, who every day performs the *Jugg*, commits a robbery that deserves death, the magistrate shall cut off the hair of his head.

IF a *Bramin*, not having any means of subsistence, should at such time steal merely as much as is necessary to support himself; the magistrate shall not take any fine from him, but shall cause him to make the *perashchut* (or expiation).

EXCLUSIVE of the articles above specified, if a person steals any other articles, the magistrate shall fine him in the price of such article, whatever it may be.

S E C T. IV.

Of apprehending thieves.

IF a man should find upon any person irons for breaking in- to houses, or any other implements of robbery, he shall call him a thief, and apprehend him.

IF a man sees another person in possession of things not suitable to him, he shall suspect him to be a thief.

A MAN, who has no income, and whose expences are large, such man shall be suspected for a thief.

WHEN a person is suspected to be a thief, he shall be asked in what quarter his habitation is, in what kingdom, in what town, in what place, and of what cast he is, and what his name is? upon such questions, if, in giving his answer, he should change colour, or his voice should alter, or he be seized with a trembling, and cannot speak with ease, and satisfactorily, and prevaricates in his account, and cannot prove his habitation or his cast to be what he affirms, and spends his money always in criminal expences, and holds an intimacy with bad men, and all this is proved, he shall be judged a thief; if these signs are not found upon him, he is not a thief.

FROM a place whence any thing has been stolen, if they can trace the footsteps of the robbers to the house of any person, or if the article stolen hath by little and little dropped in the way, and may be traced to that person's house, or if such stolen goods be found upon any person, he shall be called the thief, and apprehended accordingly.

IF the footsteps of a thief may be traced for some little distance, or if the article stolen hath dropped for a little distance, and afterwards no farther sign can be found, then, whatever town is near the place where these signs have for a little way extended, the thief shall be judged to lurk in that town; if there are two towns near that spot, then the thief shall be suspected to be in either of those towns where there are most people who are capable of committing a robbery; and whoever is taken up on suspicion of the robbery shall be obliged to take his oath, or stand the *purrikeh* (or ordeal).

IF a *Bramin*, or a *Chehteree*, or a *Bice*, being on a journey, should not have wherewithal to furnish his expences upon the road, and, for that purpose, should take from the lands of any stranger two plants of sugar cane, or two radishes, and eat them, in this case, they are not to be taken for robbers; and such persons also are permitted to take as much as they can eat of the fruit of such trees as bear fruit with blossoms, and they may also take and eat the roots of such trees.

IF a man takes wood from a stranger's trees, for the purpose of performing the *Jugg*, he shall not be reckoned a thief; and whoever takes grass for an offering to cows, such person also is not a thief.

IF a *Bramin* takes from the land of a stranger wood for the *Jugg*, or flowers, or the grass *kose*, (which is a particular species of grass), he shall not be taken for a thief.

S E C T. V.

Of those persons who are to be considered as thieves.

IF any person, wearing the *braminical* thread, should receive any thing from a thief, knowing him to be such, for instructing him in any science, such *Bramin* is to be considered as a thief.

IF any person sets fire to any man's house, with intent to steal any thing from thence, such person is to be considered as a thief.

IF a man furnishes victuals for a thief, knowing him to be such, that person also is to be considered as a thief.

IF a man furnishes another with irons for house-breaking, and such other implements for the commission of theft, he also is to be considered as a thief.

IF a man furnishes a place of abode for a thief, knowing him to be such, that man also is to be considered as a thief.

WHEN a thief has an intention to steal any particular article, if any stranger acts in such a manner as to give the thief an opportunity of stealing that article, he also is to be considered as a thief.

IF any man gives a thief instruments for the commission of theft, he also is to be considered as a thief.

WHEN a thief goes to any distance to commit a robbery, if another person, knowing him to be a thief, furnishes him with provisions for his journey, he also is to be considered as a thief; the magistrate shall fine a man, in any one of these predicaments, one thousand *puns* of *cowries*.

IF a person, who is able to apprehend thieves, upon discovery of a thief, should not apprehend him, he also is to be considered as a thief; the magistrate shall inflict upon such person half the punishment of a thief.

HE who conceals a stolen article shall also be considered as a thief: the magistrate shall inflict upon such person half the punishment of a thief.

HE who purchases a stolen article, knowing it to be stolen, is also to be considered as a thief: the magistrate shall inflict upon such person half the punishment of a thief.

IF a magistrate has not sufficient power to punish a thief, and, in that case, even gives him wherewithal to subsist, then it is no fault of the magistrate.

IF a person, who has been appointed by the magistrate to take care of the peace of the country, does not properly execute his office, he is also to be considered as a thief: the magistrate shall inflict upon such person half the punishment of a thief.

IF a person finds any stolen commodity in the hands of any man upon the road, and does not punish that person to the utmost of his power, the magistrate shall banish such person from the kingdom.

S E C T. VI.

Of the chokeydars (or watchmen) making good stolen articles.

WHOEVER are appointed by the magistrate, for the protection of any city or town, shall be held to protect such city or town; if any thing be stolen in such city or town, and those persons cannot produce the thief, they shall make good the article stolen.

IF a robbery is committed out of a city or town, the head person of that city or town shall make good the theft; if the theft is committed in the unfrequented part of the country, the magistrate shall make it good; and afterwards the said magistrate, having by search detected the thief, shall cause him to make good the article stolen: if the magistrate does not act thus, he is criminal; if he can take the thief, he shall deliver him over to the owner of the articles stolen.

IF a man, who hath lost a number of articles by theft, should find any one of these articles upon any person, he shall oblige that person to make good the whole; if the owner of that article says, "A great number of other things were stolen at the same time with this," and the other person says, "I took nothing but this one article," then this person shall either take his oath, or stand to the *purrikeb* (ordeal), and if the aforesaid article was found in any place, or was purchased, then, if he can produce the person from whom it was purchased, there is no claim upon the person accused.

IF the guards and watchmen find any stolen articles upon a thief, and do not know the owner of those articles, the magistrate shall detain in safe custody those goods for one year; if, within the year, the owner of the goods should come and prove his property therein, the magistrate shall give up the things to him; and if there is no owner, he shall keep the goods to himself. According to the ordinations of *Pàchesputtee Misr*.

IF the guards and watchmen find any stolen articles upon a thief, and do not know the owner of those articles, the magistrate shall detain the goods in safe custody for one year; if, within the year, the owner of the goods should not appear, he shall give one quarter share of the goods to the watchmen, and keep the remaining three quarters thereof to himself. According to the ordinations of *Chendeesur*: approved (or customary.)

IF a watchman hath found any stolen goods, and a person should say, "This article is my property," he shall then inquire of that person, what article it was that was stolen from him, and of what kind it was, and of what size or quantity, and from what place, and on what day it was stolen? Then, if that person, according to each question can give in an answer with proof, the magistrate shall give up the article to him; if he cannot bring proof, then, whatever was the value of the thing claimed, the magistrate shall take so much from him as a fine.

C H A P. XVIII.

Of Shâhesh, i. e. Violence. (which has three distinctions).

1. **W**HEN a man by violence breaks, or throws away, or takes to himself any fruit, or flowers, or the white stone called *Pebteek*, or any roots, such as ginger and radishes, and such kind of things, or a plough, or any implements of ploughing, and such kind of things of inconsiderable value, belonging to a stranger.

2. **W**HEN a man throws a serpent into a stranger's house, or breaks down a stranger's wall, or breaks down a bridge, or tears a flag, or by violence takes to himself, or spoils, or throws away the animals, the victuals and drink, or clothes of a moderate value, or any such kind of things of a moderate value, belonging to a stranger.

3. **W**HEN a man by violence takes to himself, or spoils, or throws away any image of *Dewtab* (i. e.) the Deity, or a well, or a bank, or any grain, or the walls of a city, or any valuable clothes, or jewels of a high price, or the effects consecrated to *Dewtab*, or the effects of a *Bramin*, or such kind of valuable articles, or commits murder.

IF a man takes to himself, or spoils, or throws away any choice fruit, or flowers, belonging to another person, the magistrate shall cause him to return to that person such fruit and flowers, and shall fine him one hundred *puns* of *cowries*; and, if he spoils or takes to himself any ordinary fruit or flowers, the magistrate shall fine him in five times their value.

IF a man very much injures and breaks the white stone called *Pebteek*, belonging to another person, the magistrate shall cause him to give to that person a stone of the same kind, or the value of it, and shall fine him two hundred and fifty *puns* of *cow-*

ries; if it is not so much broken, he shall take a somewhat less fine; if it be broken but a little, he shall take a still smaller fine from him.

IF a man dams up the channel, through which the water is brought to fill a pool, the magistrate shall fine him two hundred and fifty *puns* of *cowries*, and cause him to repair the channel.

IF a man, by violence, breaks down a person's house, together with the wall, the magistrate shall cause him to repair the said house and wall, and shall fine him five hundred *puns* of *cowries*; if he breaks down the wall, the magistrate shall cause him to repair the wall, and shall fine him forty *puns* of *cowries*; if he breaks the wall in such a manner that it be cracked, the magistrate shall fine him twenty *puns* of *cowries*; if he hath acted in such a manner that the wall must soon be broken, he shall fine him fifteen *puns* of *cowries*.

IF a man, by violence, throws into another person's house a snake, or any other animal of that kind, whose bite or sting is mortal, the magistrate shall fine him five hundred *puns* of *cowries*, and make him throw away the snake with his own hand.

IF a person, by violence, throws into another man's house any thing that causes him a grievous molestation, the magistrate shall fine that person one hundred *puns* of *cowries*, and make him throw away the offensive article with his own hand.

IF a man throws a brier into any person's house, the magistrate shall fine him sixteen *puns* of *cowries*, and make him throw away the brier with his own hand.

IF a man breaks a bridge, or tears a flag, the magistrate shall fine him five hundred *puns* of *cowries*, and cause him to repair the bridge or the flag.

IF a man breaks a large bridge, the magistrate shall deprive him of life.

IF a man, by violence, breaks or burns a valuable image of *Dewtah*, the magistrate shall fine him one thousand *puns* of *cowries*; if it be a middling image, he shall fine him eight hundred *puns* of *cowries*; if it be an image of small importance, he shall fine him two hundred and fifty *puns* of *cowries*.

IF a man, by violence, breaks or spoils a garden, or a well, or a bank of land, the magistrate shall fine him eight hundred *puns* of *cowries*.

IF a man, by violence, spoils any feeds or grain belonging to another, the magistrate shall fine him in proportion to the offence.

IF a man sets fire to the tillage or plantation of another, or sets fire to a house, or to a granary, or to any uninhabited spot where there is much fruit or flowers, the magistrate, having bound that person's body in the grass *beenà*, (which is a particular species of grass), shall burn him with fire.

IF a man breaks down the walls of a city, or fills up the ditch that defends the city, the magistrate shall deprive him of life.

IF a man imprison a person who is innocent, and not worthy of imprisonment, or if he releases a person whom it is his duty to confine, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a magistrate, by violence, forces a fine from a man who is guiltless, or confers favours upon one who is guilty, that magistrate shall pay a double fine.

IF several persons deprive any one living creature of its life, the magistrate shall fine the person, by whose injurious treatment the animal was deprived of life, a mulct in proportion to what has been already stated as a fine for the death of each particular animal, and he shall fine all the rest half as much.

IF a man either knowingly or ignorantly spoils a great number of articles belonging to another, the magistrate shall fine him double of what has been specified for the fine upon spoiling each particular article.

IF a man strikes either his mother, his father, or his spiritual guide, with his hand, the magistrate shall cut off his hand; if with his foot, he shall cut off the foot; in the same manner, with whatever limb he assaults, that limb shall be cut off.

EXCLUSIVE of the crimes and fines above specified, if a man commits a crime of the first distinction of the *Shàhefb*, the magistrate, causing the article to be made good to the proprietor, and inquiring into the degree of the guilt, shall fine the offender respectively from one hundred to two hundred and fifty *puns* of *cowries*; if he commits a crime of the second distinction of the *Shàhefb*, or middling offences, the magistrate, inquiring into the degree of the guilt, shall fine him from two hundred and fifty to five hundred *puns* of *cowries*; if he commits a crime of the third distinction of the *Shàhefb*, or worst offences, the magistrate, inquiring into his cast and the degree of the guilt, according to the offence, shall fine him in double the value of the article, or shall fine him equal to the value of the article, or shall fine him one thousand *puns* of *cowries*, or shall fine him his whole property, or shall brand him in the forehead, with a hot iron, with the mark of the *pudendum muliebre*, or shall banish him from the kingdom, or shall cut off his hand, or his foot, or some other limb, or shall deprive him of life.

IF a person should be found dead in any place, and it is not known who killed him, then the people shall ask his son, or whatever other person is in his family, whether or no the deceased was at enmity with any person? or whether he had any severe disorder? or whether his wife is of bad principles or not? and also with whom the deceased went out, and upon what occasion? and they shall also, in a friendly manner, sift the persons upon the spot where the deceased died, by asking, "How did

“ this person die ? you must certainly know ;” then, if the deceased was at enmity with any person, and that person be near at hand, it shall be considered, whether that person killed him ; and, if he had any severe disorder, it shall be considered, whether he died of that disorder ; and, if his wife be of bad principles, then the suspicion falls upon her ; and if the person, with whom he went out upon business, be of bad character, the suspicion falls upon him ; and whatever article was about the deceased, if that article be found upon any person, he is to be suspected ; and, if any signs be found upon those men whom they question, the magistrate, or the magistrate’s officers, upon the same conjecture, shall cause whoever is taken up either to undergo the *Purrikeh* (ordeal) or to take an oath ; if by the oath, or by the *Purrikeh*, any person be found guilty, the magistrate shall put to death both him and his accomplices ; if he be found innocent, he shall be released.

CHAP.

C H A P. XIX.

Of Adultery.

- Sect. I. Of the several species of adultery.
- Sect. II. Of the fines for the several species of adultery.
- Sect. III. Of the fines for adultery.
- Sect. IV. Of adultery with an unmarried girl.
- Sect. V. Of thrusting a finger into the *pudendum* of an unmarried girl.
- Sect. VI. Of stealing away an unmarried girl.
- Sect. VII. Of adultery with a woman of bad character, or a common prostitute.
- Sect. VIII. Of the carnal conjunction of a man with any beast.

S E C T. I.

Of the several species of adultery, which are of three sorts.

FIRST species is, when, in a place where there are no other men, a person, with intent to commit adultery, holds any conversation with a woman, and winks, and gallantries, and smiles pass on both sides; or the man and woman hold conversation together in the morning, or in the evening, or at night, or any such improper times; or the man dallies with the woman's clothes, or sends a pimp to her; or the man and woman are together in a garden, or an unfrequented spot, or such other secret place, and bathe together in the same pool, or other water; or the man and woman meet together in one visiting place: this is called the first, or most trifling species.

Second

Second species is, when a man sends sandal wood, or a string of beads, or victuals and drink, or clothes, or gold, or jewels to a woman: this is called the second, or middle species.

Third species is, when the man and woman sleep and dally upon the same carpet, or in some retired place kiss and embrace, and play with each others hair; or when the man carries the woman into a retired place, and the woman says nothing: this is called the third, or worst species of adultery.

S E C T. II.

Of the fines for the several species of adultery.

UPON the first species, the magistrate shall take a fine of two hundred and fifty *puns* of *cowries*; upon the second species, he shall take a fine of five hundred *puns* of *cowries*; upon the third species, he shall take a fine of one thousand *puns* of *cowries*; from a man who commits these several species, if he be wealthy, a still larger fine shall be taken.

IF a man of an inferior cast commits the first species with a woman of a superior cast, with a criminal intent, the magistrate shall fine him eight hundred *puns* of *cowries*; if he commits the second species, he shall cut off one of his limbs; if he commits the third species, he shall deprive him of life.

IF a man, having at first begun a trifling conversation with a woman, afterwards increases and prolongs such conversation, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man, without any criminal intention, holds a conversation upon business with a woman no ways related to him, he shall not be fined.

IF

IF a man commits the several species above described with a common prostitute, he shall not be fined.

IF a man commits the several species above described with a girl, whose profession is singing and dancing, in presence of the owner of that girl, he shall not be fined; if he says any thing to her secretly, the magistrate shall take a small fine from him.

IF a woman, who has a master, goes of her own accord to the house of another person, and holds conversation with him, that person shall not be fined.

IF a man hath forbid another to hold any conversation with a girl belonging to him, and that person afterwards enters into discourse with that girl, the magistrate shall fine that person two hundred *puns* of *cowries*; and if he has given his girl the same prohibition, and she afterwards holds any discourse with that person, the magistrate shall fine that girl one hundred *puns* of *cowries*; if he hath given this prohibition both to the man and the woman, and they afterwards hold conversation together, the magistrate shall fine each of them two hundred and fifty *puns* of *cowries*.

IF a man, making himself a mediator, carries messages between a man and woman, and contrives a meeting for them in a retired place, the magistrate shall take from him half the fine of an adulterer.

IF a man furnishes any person with a place for the commission of adultery, the magistrate shall take from him half the fine of an adulterer.

IF a person, without a criminal intention, puts on jewels, and a handsome dress, and frequents an unmarried girl, or a woman who has been married, the magistrate shall censure him; if he hath frequented her with a criminal intention, the magistrate shall fine him according to his abilities.

S E C T. III.

Of the fines for adultery.

IF a man, by force, commits adultery with a woman of an equal or inferior cast, against her consent, the magistrate shall confiscate all his possessions, cut off his *penis*, and castrate him, and cause him to be led round the city, mounted upon an ass.

IF a man, by cunning and deceit, commits adultery with a woman of an equal or inferior cast, against her consent, the magistrate shall take all his possessions, brand him in the forehead with the mark of the *pudendum muliebre*, and banish him the kingdom.

IF a man, by violence, or by cunning, or deceit, or against the woman's consent, commits adultery with a woman of a superior cast, the magistrate shall deprive him of life.

IF a *Sooder* commits adultery with a woman of the *Bramin*, or *Chehteree*, or *Bice* cast, who has no master, the magistrate, confiscating all his possessions, shall cut off his *penis* and his testicles.

IF a *Sooder* commits adultery with a woman of the *Bramin* cast, who has a master, by her consent, the magistrate shall confiscate all his effects, cut off his *penis* and testicles, bind him upon a hot iron plate, and burn him with the grass *beenà*.

IF a *Sooder* commits adultery with a woman of the *Chehteree* or *Bice* cast, who has a master, by her consent, the magistrate shall confiscate all his effects, cut off his *penis* and testicles, bind his body with the grass *beenà*, and burn him.

IF a *Sooder* commits adultery with a woman of the *Sooder* cast, who has a master, by her consent, the magistrate shall fine

him one thousand *puns* of *cowries*; if the woman has no master, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a *Bice* commits adultery with a woman of the *Bramin* cast, who has no master, by her consent, the magistrate shall confine him one year in prison, and fine him one thousand *puns* of *cowries*; if the woman has a master, the magistrate shall bind him upon a hot iron plate, wind the grass *beenà* round his body, and burn him, or burn him with the grass *kose*.

IF a *Bice* commits adultery with a woman of the *Chebteree* cast, who has no master, by her consent, the magistrate shall fine him one thousand *puns* of *cowries*; if the woman has a master, the magistrate shall deprive him of life.

IF a *Chebteree* commits adultery with a woman of the *Bramin* cast, who has no master, by her consent, the magistrate shall fine him one thousand *puns* of *cowries*; if the woman has a master, the magistrate shall bind him upon a hot iron plate, wind the grass *beenà* round his body, and burn him, or burn him only with the grass *ser*.

IF a *Chebteree* commits adultery with a woman of the *Chebteree* cast, who has a master, by her consent, the magistrate shall fine him one thousand *puns* of *cowries*; if the woman has no master, the magistrate shall fine him five hundred *puns* of *cowries*, or shave off the hair of his head with the urine of an ass.

IF a *Chebteree* commits adultery with a woman of the *Bice* or *Sooder* cast, who has a master, by her consent, the magistrate shall fine him one thousand *puns* of *cowries*; if the woman has no master, the magistrate shall fine him five hundred *puns* of *cowries*.

IF a *Bramin* commits adultery with a woman of the *Bramin*, the *Chebteree*, *Bice*, or *Sooder* cast, who has a master, by her consent, the magistrate shall fine him one thousand *puns* of

cowries; if the woman has no master, he shall fine the *Bramin* five hundred *puns* of *cowries*.

IF a man commits adultery with any of his father's wives, exclusive of his own mother, or with his mother's sister, or with the wife of his maternal uncle, (*i. e.*) his mother's brother, or with his father's sister, or with his paternal uncle's wife, or with his friend's wife, or with his pupil's wife, or with his sister, or with his son's wife, or with his daughter, or with the wife of the person who teaches him the *Goiteree*, or with the wife of any person descended from the same grandfather with himself, who has thrown herself under his protection, or with the magistrate's wife, or with a woman of good principles, or with any woman who is employed in the worship of God, or with a woman of a superior cast, or with the wife of any person descended from the same grandfather with himself, who was his nurse, the magistrate shall cut off that person's *penis*, and deprive him of life; and if the woman herself gave her consent, the magistrate shall cut off her *pudendum*, and deprive her of life.

IN cases of adultery, when men of other casts are to be deprived of life, a *Bramin* guilty thereof shall not be deprived of life, but the hair of his head shall be cut off; if he frequently commits the same crime, the hair of his head shall be cut off, and he shall be banished from the kingdom.

IF a man of the *Chehteree* or *Bice* cast commits adultery with a woman of the *Chendal* cast, or washer's cast, or any such mean tribe, the magistrate shall brand him in the forehead with the figure of a man without a head, and banish him the kingdom.

IF a *Bramin* commits adultery with a woman of the *Chendal* cast, or washer's cast, or any such mean tribe, the magistrate shall fine him one thousand *puns* of *cowries*, brand him in the forehead with the figure of a man without a head, and banish him from his country.

IF a *Sooder* commits adultery with a woman of the *Chendal* cast, or washer's cast, or any such mean tribe, the magistrate shall stamp on his forehead the figure of a man without a head, and deprive him of life.

IF the wife of a *Bramin*, by her own consent, commits adultery with a *Chehteree* or *Bice*, the magistrate shall cut off the hair of her head, anoint her body with *ghee*, and cause her to be led through the whole city naked, and riding upon an ass, and cast her out on the north side of the city.

IF the wife of a *Bramin*, by her own consent, commits adultery with a *Sooder*, the magistrate shall cut off the hair of her head, anoint her body with *ghee*, and cause her to be led through the whole city naked, and riding upon an ass, and cast her out on the north side of the city, or cause her to be eaten by dogs.

IF a man of inferior cast commits adultery with a woman of superior cast, the magistrate shall burn the woman with faggots.

IF a man commits adultery with a woman of inferior cast, either by force or with her consent, the woman, in that case, shall not be liable to punishment, but she shall perform the *Peràshchut* (expiation).

IF a man, by force, commits adultery with a woman of an equal cast, who has a master, the husband of that woman shall hold her infamous, and shall not have any connection with her, until she shall have performed the *Peràshchut*, but shall give her such victuals as may be necessary to support life; but if the man committed adultery with the woman by her consent, even in that case, the woman shall not be liable to punishment, but shall perform the *Peràshchut*.

IF a woman goes of her own accord to a man, and inveigles him to have criminal commerce with her, the magistrate shall

cut off that woman's ears, lips, and nose, mount her upon an ass, and drown her, or cause her to be eaten by dogs.

IF a woman, who has a master, is guilty of any crime, the magistrate shall inflict some punishment upon herself, exclusive of taking a pecuniary fine: upon any crime, where a fine is to be levied, the magistrate shall levy it from the master of the woman; if the master of the woman be absent on a journey, she shall be confined in prison until his return; and upon the master's arrival, the fine shall be exacted from him.

IF a woman, of her own accord, goes to a man for a criminal purpose, and the man commits adultery with her, the magistrate shall fine that man half the mulct settled for an adulterer.

IF the wife of a man born an eunuch, or of a man altogether impotent, or a woman deserted by her husband, should go to any man for any criminal purpose, and that man commits adultery with such woman, he is not liable to punishment.

S E C T. IV.

Of adultery with an unmarried girl.

IF a man, by violence, commits adultery with an unmarried girl of an equal cast with himself, the magistrate shall deprive him of life; if it was with her consent, he may marry her.

IF a man, either by violence or with her consent, commits adultery with an unmarried girl of a superior cast, the magistrate shall put him to death.

IF a man commits adultery with an unmarried girl of inferior cast, by her consent, he shall not be deemed guilty; if it was done by violence, the magistrate shall take a small fine from him.

IF a man commits adultery with an unmarried girl of an equal cast with himself, having her own consent, and that of her father and mother, then that man shall give to the father of the girl some money, and to the girl herself those presents which constitute a woman's property, and shall marry her.

S E C T. V.

Of thrusting a finger into the pudendum of an unmarried girl.

IF a man, by force, thrusts his finger into the *pudendum* of an unmarried girl of an equal cast with himself, the magistrate shall cut off two of his fingers, and fine him six hundred *puns* of *cowries*.

* * * ACCORDING to the ordinations of *Chendeefur* and *Parreejaut*: approved (or customary).—*Hurree Hur* speaks to this effect, that the measure of two fingers shall be cut off from his *penis*, and a fine of six hundred *puns* of *cowries* be taken from him.

IF a man thrusts his finger into the *pudendum* of an unmarried girl of an inferior cast, by her own consent, he shall not be liable to punishment; if it was done by violence, the magistrate shall take a small fine from him.

IF a man thrusts his finger into the *pudendum* of an unmarried girl of an equal cast with himself, by her consent, the magistrate shall fine him two hundred *puns* of *cowries*.

IF a man, either by violence or by permission, thrusts his finger into the *pudendum* of an unmarried girl of a superior cast, the magistrate shall confiscate all his possessions, and put him to death.

IF one unmarried girl, by thrusting her finger into the *pudendum* of another unmarried girl, should make a passage, the
magistrate

magistrate shall fine her two hundred *puns* of *cowries*, and give her ten lashes with a whip.

IF a married woman, by thrusting her finger into the *pudendum* of an unmarried girl, should make a passage, the magistrate shall cut off the hair of that woman's head; and if she thus thrust her finger a second time, he shall cut off two of her fingers, and cause her to be exposed through the whole city, mounted on an ass.

S E C T. VI.

Of stealing away an unmarried girl.

WHEN a girl is related to any man, if that man, being of an equal cast with her, either by violence or with her consent, steals her away to commit adultery with her, the magistrate shall fine him one thousand *puns* of *cowries*; if the girl was not related to him, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man steals away a girl of a superior cast to commit adultery with her, the magistrate shall put him to death.

IF a man steals away a girl of an inferior cast, by her own consent, to commit adultery with her, he shall not be liable to punishment; if it was done by violence, the magistrate shall take a small fine from him.

S E C T. VII.

Of committing adultery with a woman of bad character, or with a common prostitute.

IF a man commits adultery with a woman of equal cast with himself, who has before been unchaste, the magistrate shall fine him five coins of gold.

IF a man commits adultery with a woman of bad character of an inferior cast, the magistrate shall fine him twelve *puns* of *cowries*.

IF a woman of bad character (except the wife of a *Bramin*) who has no master, of her own accord goes to a man for a criminal purpose, that man, after having given information to the magistrate, may have carnal knowledge of her; in such adultery, he is not liable to punishment.

IF a man commits adultery with a slave girl, or with any woman whose master hath ejected her, by her own consent, then, upon informing the magistrate, he may commit adultery with her; and if any person furnishes a woman of this stamp with food and clothes, and takes her for concubinage, and any other persons commits adultery with that woman, the magistrate shall fine him fifty *puns* of *cowries*.

IF a man, by violence, commits adultery with his own slave girl, the magistrate shall fine him ten *puns* of *cowries*.

IF, without her own consent, several persons commit adultery with a slave girl, the magistrate shall fine each individual of them twenty-four *puns* of *cowries*.

IF a *Bramin* commits adultery with a common prostitute, the magistrate shall fine the *Bramin* fifty *puns* of *cowries*; if a *Chehteree* or *Bice* commit the same crime, then whatever gratuity was given to the prostitute, the same sum shall be taken as a fine; if it be a *Sooder*, he shall pay a fine of ten *puns* of *cowries*.

IF any person commits adultery with a woman who has been enjoyed by a great number of persons, the magistrate shall fine him the same as for committing adultery with a prostitute.

SECT.

S E C T. VIII.

Of the carnal conjunction of a man with any beast.

IF a *Bramin* should copulate with a cow, the magistrate shall fine him eighty gold coins; if he be a *Chehteree* or a *Bice*, he shall fine him five hundred *puns* of *cowries*; if he be a *Sooder*, he shall put him to death.

IF a man copulates with the female of any species of animal (exclusive of cows) the magistrate shall fine him five hundred *puns* of *cowries*: according to the ordinations of *Pacheshputtee Misr*: approved (or customary). *Chendeefur* says, the fine shall be one hundred and ten *puns* of *cowries*.

IN such cases as have no fines specified for them in the chapter of adultery, the magistrate shall consider the cast of the criminal, and the degree of the crime, and proportion the fine accordingly.

WHEN a kingdom is preserved free from thieves, from adulterers, from murders, and from all men of such evil principles; the magistrates of the kingdom goes to paradise; and if the the magistrate always brings such persons to punishment, he then also goes to paradise, and his kingdom is doubled, and his reputation is increased.

CHAP.

C H A P. XX.

Of what concerns Women.

A MAN, both day and night, must keep his wife so much in subjection, that she by no means be mistress of her own actions: if the wife have her own free-will, notwithstanding she be sprung from a superior cast, she will yet behave amiss.

So long as a woman remains unmarried, her father shall take care of her; and so long as a wife remains young, her husband shall take care of her; and in her old age, her son shall take care of her; and if, before a woman's marriage, her father should die, the brother, or brother's son, or such other near relations of the father shall take care of her; if, after marriage, her husband should die, and the wife has not brought forth a son, the brothers, and brothers sons, and such other near relations of her husband, shall take care of her; if there are no brothers, brothers sons, or such other near relations of her husband, the brothers, or sons of the brothers of her father shall take care of her; if there are none of those, the magistrate shall take care of her; and in every stage of life, if the persons who have been allotted to take care of a woman do not take care of her, each in his respective stage accordingly, the magistrate shall fine him.

If a husband be abject and weak, he shall nevertheless endeavour to guard his wife with caution, that she may not be unchaste, and learn bad habits.

If a man, by confinement and threats, cannot guard his wife, he shall give her a large sum of money, and make her mistress of her income and expences, and appoint her to dress victuals for the *Dewtah* (i. e.) the Deity.

A WOMAN is never satisfied with the copulation of man, no more than fire is satisfied with burning fuel, or the main ocean with receiving the rivers, or the empire of death with the dying of men and animals; in this case therefore a woman is not to be relied on.

WOMEN have six qualities; the first, an inordinate desire for jewels and fine furniture, handsome clothes, and nice victuals; the second, immoderate lust; the third, violent anger; the fourth, deep resentment, (*i. e.*) no person knows the sentiments concealed in their heart; the fifth, another person's good appears evil in their eyes; the sixth, they commit bad actions.

IF a woman is pregnant, they must give her the *Sàdheb*, (the *Sàdheb* is, to give a pregnant woman, in the ninth month, rice, milk, and sweatmeats, and other eatables of the same kind for her to eat, and to dress her in handsome clothes).

IF a husband is going a journey, he must give his wife enough to furnish her with victuals and clothes, until the promised period of his return; if he goes without leaving such provision, and his wife is reduced to great necessity for want of victuals and clothes, then, if the wife be naturally well principled, she yet becomes unchaste, for want of victuals and clothes.

IN every family where there is a good understanding between the husband and wife, and where the wife is not unchaste, and the husband also commits no bad practices, it is an excellent example.

THE Creator formed woman for this purpose, *viz.* That man might copulate with her, and that children might be born from thence.

A WOMAN, who always acts according to her husband's pleasure, and speaks no ill of any person, and who can herself do all
such

such things as are proper for a woman, and who is of good principles, and who produces a son, and who rises from sleep before her husband, such a woman is found only by much and many religious works, and by a peculiarly happy destiny, such a woman if any man forsakes of his own accord, the magistrate shall inflict upon that man the punishment of a thief.

A WOMAN, who always abuses her husband, shall be treated with good advice for the space of one year; if she does not amend with one year's advice, and does not leave off abusing her husband, he shall no longer hold any communication with her, nor keep her any longer near him, but shall provide her with food and clothes.

A WOMAN, who dissipates or spoils her own property, or who procures abortion, or who has an intention to murder her husband, and is always quarrelling with every body, and who eats before her husband eats, such woman shall be turned out of the house.

A HUSBAND, at his own pleasure, shall cease to copulate with his wife who is barren, or who always brings forth daughters.

IF a woman, after her monthly courses, while her husband continues in the house, conceiving her husband to be a weak, low, and contemptible object, goes no more to him, the husband, informing people of this, shall turn her out of his house.

IF a woman, following her own inclination, goes whithersoever she chuses, and does not regard the words of her master, such a woman also shall be turned away.

A WOMAN, who is of a good disposition, and who puts on her jewels and clothes with decorum, and is of good principles, whenever the husband is cheerful, the wife also is cheerful, and if the husband is sorrowful, the wife also is sorrowful, and whenever the husband undertakes a journey, the wife puts on a care-

less drefs, and lays aside her jewels and other ornaments, and abuses no person, and will not expend a single *dām* without her husband's consent, and has a son, and takes proper care of the household goods, and, at the times of worship performs her worship to the Deity in a proper manner, and goes not out of the house, and is not unchaste, and makes no quarrels or disturbances, and has no greedy passions, and is always employed in some good work, and pays a proper respect to all persons, such is a good woman.

A WOMAN shall never go out of the house without the consent of her husband, and shall always have some clothes upon her bosom, and at festival times shall put on her choicest drefs and her jewels, and shall never hold discourse with a strange man, but may converse with a *Sinassée*, a hermit, or an old man; and shall always drefs in clothes that reach from below the leg to above the navel, and shall not suffer her breasts to appear out of her clothes; and shall not laugh, without drawing her veil before her face; and shall act according to the orders of her husband; and shall pay a proper respect to the Deity, her husband's father, the spiritual guide, and the guests; and shall not eat until she has served them with victuals; (if it is phytic, she may take it before they eat); a woman also shall never go to a stranger's house, and shall not stand at the door, and must never look out of a window.

SIX things are disgraceful to a woman: 1st, To drink wine and eat conserves, or any such inebriating things: 2d, To keep company with a man of bad principles: 3d, To remain separate from her husband: 4th, To go to a stranger's house without good cause: 5th, To sleep in the day time: 6th, To remain in a stranger's house.

WHEN a woman, whose husband is absent on a journey, has expended all the money that he gave her, to support her in victuals and clothes during his absence; or if her husband went on a journey without leaving any thing with her to support her expences,

expences, she shall support herself by painting, by spinning, or some other such employment.

If a man goes on a journey, his wife shall not divert herself by play, nor shall see any public show, nor shall laugh, nor shall dress herself in jewels and fine clothes, nor shall see dancing, nor hear music, nor shall sit in the window, nor shall ride out, nor shall behold any thing choice and rare; but shall fasten well the house-door, and remain private; and shall not eat any dainty victuals, and shall not blacken her eyes with eye-powder, and shall not view her face in a mirror; she shall never exercise herself in any such agreeable employment during the absence of her husband.

It is proper for a woman, after her husband's death, to burn herself in the fire with his corpse; every woman, who thus burns herself, shall remain in Paradise with her husband three *crore* and fifty *lacks* of years by destiny; if she cannot burn, she must in that case preserve an inviolable chastity; if she remains always chaste, she goes to Paradise; and, if she does not preserve her chastity, she goes to hell.

CHAP.

C H A P. XXI.

Of Sundry Articles.

- Sect. I. Of gaming.
- Sect. II. Of finding any thing that was lost, (which is called *Needee*).
- Sect. III. Of the fines for cutting trees.
- Sect. IV. Of the tax upon buying and felling goods.
- Sect. V. Of the quarrels between a father and son.
- Sect. VI. Of serving unclean victuals.
- Sect. VII. Of the punishment to be inflicted on a *Sooder* for reading the *Beids*.
- Sect. VIII. Of the properties of punishment, and of punishing.
- Sect. IX. Of adoption.
- Sect. X. Of fundries.

S E C T. I.

Of gaming.

GAMING is of two sorts; the first *Choperbàzee*, a game played with three long dice, chess or tables, and dice, and such other kind of games, which are called *Dote*; the second is, when persons cause elephants to fight with elephants, bulls with bulls, cocks with cocks, nightingales with nightingales, or any other animals in the same manner; the name of this is *Shemàbbee*: these two sorts of gaming, with a conditional wager

wager of stipulation, are not allowed to any persons, even in jest.

IF any man, either openly or in secret, plays with another at either of these two sorts of gaming above specified, upon a stipulated wager, the magistrate shall fine that man in any sum that he chuses, and shall chastise him.

IF any man has a propensity to either of these two sorts of gaming, in that case he shall play before the magistrate, or shall cause a man belonging to the magistrate to sit there while he plays; in these two cases whoever is the loser shall pay the money which was the condition of the game.

IF any man, without leave of the magistrate, should play for a stipulated wager, in that case the conqueror in the game shall not receive the money played for, but the magistrate shall fine both parties.

WHEN a game is to be played for a wager, it shall be played in presence of a number of people.

WHEN a man, having gamed with another for a wager, receives the money played for, he shall give that money to the magistrate's officer; the magistrate's officer shall divide that money, and give half thereof to that person, and half to the magistrate.

IF a man, to procure himself to be winner in a game, either by numbering the squares of the chess-table, or by numbering the *cowries* of the game, or by any other method, is guilty of artifice and collusive practice, the magistrate shall fine him according to his abilities.

WHOEVER plays without any stipulated condition or wager shall not receive any money upon the game.

IF a man plays at these two sorts of games with deceit and fraud, the magistrate shall cut off two of his fingers.

IF a man, having played at any game for a stake, and, upon winning, having received the money, doth not give to the magistrate the share that is appointed him, then the magistrate shall fine him.

S E C T. II.

Of finding any thing that was lost (which is called Needee).

IF a man, having lost any thing for a long space of time, so that he hath no hopes of finding it, should then recover it, he shall inform the magistrate thereof; whereupon, if that man be an ignorant and unscientific person, the magistrate shall take to himself one sixth share of the whole, and give the five sixths to the said person: if he is a man of science, the magistrate shall keep to himself one half, and return him the rest.

IF a *Bramin*, having for a long space of time lost any thing, so that he hath no hopes of finding it, should afterwards recover it, he shall inform the magistrate thereof, but the magistrate shall not take any thing from him.

IF a learned *Bramin*, who regulates all his actions conformably to the *Beids*, should find any thing, the property of a stranger, which has been lost, and of which the proprietor is not known, he shall inform the magistrate; the magistrate shall not deduct any thing from that article, but it shall go entire to the *Bramin*.

IF an unlearned *Bramin* should find any thing, the property of a stranger, which has been lost, and of which the proprietor is not known, he shall inform the magistrate, who shall take to himself one sixth share of the whole, and give the remaining five sixths to the *Bramin*.

IF a *Chehteree* should find any thing, the property of another, which has been lost, and of which the proprietor is not known, he shall divide it into four shares; one fourth he shall give to the magistrate, one fourth to the *Bramins*, and keep the remaining two fourths to himself.

IF a *Bice* should find any thing, the property of another, that has been lost, and of which the proprietor is not known, he then shall give one half thereof to the *Bramins*, and out of the remainder he shall give one moiety to the magistrate, and keep the other moiety to himself.

IF a *Sooder* should find any thing, the property of another, which hath been lost, and of which the proprietor is not known, then, having divided it into twelve parts, he shall give five twelfths thereof to the magistrate, and five twelfths to the *Bramins*, and keep the remaining two twelfths to himself.

IF a man, having found any thing that was lost, either a stranger's property or his own, should neglect to inform the magistrate, he shall receive the same punishment as a thief.

IF the magistrate finds any thing that was lost, the proprietor of which is not known, in that case he shall give one half thereof to the *Bramins*, and shall take one half to himself.

S E C T. III.

Of the fines for cutting trees.

IF any person cuts the branches of a male *banyan* tree, or of a *mango* tree, or of a *moolserry* tree, or of a *tamarind* tree, or of a female *banyan* tree, or of any such large tree, the magistrate shall fine him twenty *puns* of *cowries*; if he cuts the middle of the tree, he shall be fined forty *puns* of *cowries*; and if he cuts it down from the roots, he shall be fined eighty *puns* of *cowries*.

IF a man cuts any trees that are in a yard of a house, or in a place where the dead are cast, or on the boundaries of land, or in a *haut*, or in a *bàzâr*, or in the place appropriated to *Dewtah* (*i. e.*) the Deity, the magistrate shall fine him double the price of the trees.

IF a man cuts a *plâss* tree, the magistrate shall fine him double the price of the tree.

IF a man cuts any of the creeping tree called *lut*, be it a large or a small tree, or such kind of the *lut* as upon being cut produces a great number of branches, or any tree whose branches are extremely crooked, or any small tree, or any tree which dies after its fruit is once ripened, the magistrate shall fine him ten *puns* of *cowries*; if he cuts down any grass, the magistrate shall fine him one *pun* of *cowries*.

IF a man cuts a tree that is capable of bearing fruit, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man cuts a tree that is capable of producing flowers, the magistrate shall fine him five hundred *puns* of *cowries*.

OF all these species of trees above enumerated, if a man cuts any one, the magistrate shall cause him to return to the owner, a tree of the same species with that which was cut; if he has no such kind of tree, he shall cause the price thereof to be paid, and take a fine, according to the rate already above specified; nevertheless, a man may cut trees for the purpose of performing the *Jugg*, or for making a plough, or for his household business; in such cases, there is no fine.

S E C T. IV.

Of the tax upon buying and selling goods.

IF a man purchases goods in his own kingdom, and sells them again in his own kingdom, then, whatever profit he hath made
upon

upon such purchase and sale, he shall give one tenth of that profit to the magistrate; and if he made the purchase in a foreign kingdom, and the sale in his own, he shall pay one twentieth share of the profit to the magistrate.

IF a man, having purchased flowers or roots, such as ginger or radishes, or such kind of things, or honey, or grass, or firewood, from another kingdom, sells them in his own, the magistrate shall take to himself one sixth of the profit arising upon them, and give to that person the other five sixths.

IF a man sells any thing of a less value than one *caharwan*, (or sixteen *puns* of *cowries*), the magistrate shall not take any tax thereon.

IF a man, having purchased in another kingdom any *paddee*, or wheat, or plaintains, or such other fruit whose tree dies after once bearing, brings and sells them in his own, he shall give to the magistrate one sixth of the profit thereon, and keep five sixths to himself.

WHATEVER profit a painter, a smith, or such kind of workman may have made, by labouring at his own business, the magistrate shall charge no tax thereon; nor shall any tax be taken upon the profit which any person hath made, as a *coffed* (or messenger), neither is there any tax upon selling young heifers.

IF a part of a man's property hath been stolen from him, no tax shall be levied by the magistrate upon the sale of what remains unstolen.

IF a *Serwutteree*, (*i. e.*) a *Bramin* learned in the *Beids*, sells any thing, the magistrate shall take no tax from him.

IF a man hath purchased any thing for the worship of *Dewtah* (*i. e.*) the Deity, the magistrate shall take no tax thereon.

S E C T. V.

Of the quarrels between a father and son.

IF a quarrel should arise between a father who is a man of capacity and his son, whoever is witness in such a case, the magistrate shall fine him ten *puns* of *cowries*.

IF a quarrel should subsist between a father who is a man of capacity and his son, and any person contrives by any means to lengthen out the quarrel, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a quarrel should arise between a father, who is of small capacity and his son, whoever is witness in such a case, the magistrate shall fine him three *puns* of *cowries*.

IF a quarrel should subsist between a father who is a man of no capacity and his son, and any person contrives by any means to lengthen out the quarrel, the magistrate shall fine him eight hundred *puns* of *cowries*.

WHOEVER is security upon a quarrel between a father and son, the magistrate shall fine him twenty-four *puns* of *cowries*.

IF a son commits a fault, the father shall not be held as guilty for the fault of the son.

S E C T. VI.

Of serving unclean victuals.

IF a man causes a superior *Bramin* to eat dung or urine, the magistrate shall fine him sixteen *asbrufies*; if it be not a superior *Bramin*, he shall fine him one thousand *puns* of *cowries*; and
if

if he causes him to eat onions or garlic, the magistrate shall fine him one hundred *asbrufies*; if he causes him to drink wine, he shall put him to death.

IF a man causes a superior *Chehteree* to eat dung or urine, the magistrate shall fine him eight *asbrufies*; if it be not a superior *Chehteree*, he shall fine him five hundred *puns* of *cowries*; and if he causes him to eat onions or garlic, or to drink wine, he shall fine him fifty *asbrufies*.

IF a man causes a superior *Bice* to eat dung or urine, the magistrate shall fine him four *asbrufies*; if it be not a superior *Bice*, he shall fine him two hundred and fifty *puns* of *cowries*; and if he causes him to eat onions or garlic, or to drink wine, he shall fine him twenty-five *asbrufies*.

IF a man causes a superior man of the *Sooder* cast to eat dung or urine, the magistrate shall fine him two hundred and fifty *puns* of *cowries*; if it be not a superior person, he shall fine him one hundred and twenty *puns* of *cowries*.

IF a man causes a person of the *Arzàl* or lower cast to eat dung or urine, the magistrate shall fine him fifty-four *puns* of *cowries*.

IF a *Bramin* voluntarily eats onions or garlic, the magistrate shall banish such *Bramin* from the kingdom.

S E C T. VII.

Of the punishment to be inflicted on a Sooder for reading the Beids.

IF a man of the *Sooder* reads the *Beids* of the *Shaster*, or the *Pooràn*, to a *Bramin*, a *Chehteree*, or a *Bice*, then the magistrate shall heat some bitter oil, and pour it into the afore-
said

saïd *Sooder's* mouth; and if a *Sooder* listens to the *Beids* of the *Shafter*, then the oil, heated as before, shall be poured into his ears, and *arzeez* and wax shall be melted together, and the orifice of his ears shall be stopped up therewith.—This ordination serves also for the *Arzâl* tribe.

IF a *Sooder* gets by heart the *Beids* of the *Shafter*, the magistrate shall put him to death.

IF a *Sooder* assumes the *braminical* thread, the magistrate shall fine him eight hundred *puns* of *cowries*.

IF a *Sooder* always performs worship and the *Jugg*, the magistrate shall put him to death, or fine him two hundred *asbrufies*.

IF a *Sooder* gives much and frequent molestation to a *Bramin*, the magistrate shall put him to death.

IF a *Sooder* assumes the customs and appearances of a *Chehteree*, and passes his time as such, the magistrate shall confiscate all his effects, and banish him the kingdom; and if, assuming the consecrated thread of a *Bramin*, he passes his time as such, he shall fine him eight hundred *puns* of *cowries*.

S E C T. VIII.

Of the properties of punishment, and of punishing.

PUNISHMENT * is the magistrate; punishment is the inspirer of terror; punishment is the nourisher of the subjects; punishment is the defender from calamity; punishment is the guardian of those that sleep; punishment, with a black aspect and a red eye, terrifies the guilty: if the magistrate inflicts pu-

* Here the image of punishment is introduced, or rather punishment is personified.

nishment according to the *Shaster*, then punishment produces such consequences as have been already specified in the kingdom of that magistrate.

HE who is of a good character, and a man of veracity, and who forms his actions according to the ordinations of the *Shaster*, and who retains learned *Pundits* about him, and he himself also is a man of science, and not avaricious, such person is worthy to be a magistrate, and to have the power of inflicting punishment.

HE who is not assisted by learned *Pundits*, and who is avaricious, and who is not a man of science, and who pays no regard to the *Shaster*, and who doth not practise what he hath read, and who doth not speak the truth, and he is not of a good character, such person is not worthy to be a magistrate, and to have the power of inflicting punishment.

IF a magistrate doth not inflict punishment according to the *Shaster*, his subjects, and his kingdom, and his possessions, and the children of his relations, become miserable and contemptible.

IF a magistrate inflicts punishment upon the guilty, and honourably treats the innocent, such a man has all the requisites for magistracy, and is always successful, and enjoys a good character, and in the next world goes to Paradise.

S E C T. IX.

Of adoption.

HE who is desirous to adopt a child must inform the magistrate thereof, and shall perform the *Jugg*, and shall give gold and rice to the father of the child whom he would adopt; then, supposing the child not to have had his ears bored, or to have received the *braminical* thread, or to have been married in his father's house, and not to be five years old, if the father will
give

give up such a child, or if the mother gives him up by order of the father, and there are other brothers of that child, such a child shall be adopted.

A WOMAN may not adopt a child without her husband's order; if she has her husband's consent, she may cause the *Bramins* to perform a *Jugg* for her, and may adopt the child:—according to the ordinations of *Sewàrteh Behtachàrige*: approved (or customary)—*Pàchesbputtee Misr* speaks to this effect, that, even with the husband's consent, a woman may not adopt a child.

A *Sooder* may adopt a child, upon procuring a *Jugg* to be performed for him by the *Bramins*.

HE who has no son, or grandson, or grandson's son, or brother's son, shall adopt a son; and while he has one adopted son, he shall not adopt a second.

S E C T. X.

Of sundries.

IF a man, keeping any of such species of animals as have teeth and horns, and being able to restrain and confine the strength of that animal, neglects to secure him, in that situation, if the aforesaid animal with his horns should hurt any person, or bite him with his teeth, then the magistrate shall fine the owner thereof two hundred and fifty *puns* of *cowries*; but if that person has not strength or ability to restrain the aforesaid animal, and any person should be hurt thereby, the owner of the animal shall not be blamed.

IF a man keeps a cow, or a buffalo, or a horse, or an elephant, or a camel, or a wolf, or a dog, and the animal of any of these kinds should stand in the way, and a person, passing by upon the road, should desire the owner of the animal to keep it on one side, then, supposing the owner to have ability to keep

the animal on one side, upon his neglecting so to do, if the animal should by any means hurt the passenger, the magistrate shall fine the owner thereof five hundred *puns* of *cowries*.

IF a man exacts labour from a bullock that is hungry, or thirsty, or fatigued, or obliges him to labour out of season, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF any man, by giving greater wages than the custom of the country requires, entertains a servant, so that all other persons, by his giving such great wages, are put to great inconvenience, or if, when the magistrate hath fixed the price of any article, he buys or sells such article at a higher or lower rate, or if, by any cozenage and deceit, he sells an article of low value for too great a price, or, by cozenage and deceit, purchases a valuable commodity at too low a rate, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man, without an order of the magistrate, sells an elephant that is fit for business, or a horse that is fit for business, or a camel that is fit for business, or any valuable jewels, or if a man sells any article which the magistrate hath forbidden to be sold, the magistrate shall fine him the price of the article sold.

IF a man uses any severe expression against the person who hath taught him the *Goiteree*, or if a pupil does not observe the commands of his spiritual guide, or is prepared to assault the wife of his elder brother, or if a man, having been intrusted to carry any article from one person to another, doth not deliver it accordingly, or if a man hath opened the lock of any person's house, or if a man hath a malevolent disposition towards a stranger, the magistrate shall fine the offender, in any of these cases, fifty *puns* of *cowries*.

IF a man, who hath received any molestation from a thief, or any other ill-disposed person, should say to another, " I receive

“ such molestation from a thief, or from such other ill-disposed person, come you and free me from him,” then, if that person, having sufficient ability for the purpose, doth not assist, or speak for the other, the magistrate shall fine him one hundred *puns* of *cowries*.

IF a man, who hath not been molested by a thief, or any other person, should say, “ I am molested by a thief, or by such other ill-disposed person, I entreat the people to come to my assistance,” in that case the magistrate shall fine him one hundred *puns* of *cowries*.

WHEN a *Sooder*, or a *Sinasse*, is performing a *Seradeh*, or a worship to *Dewtah*, if, upon an invitation from such men, a *Bramin* should eat or drink there, or if a man takes an oath which does not belong to him to take, or if a man should perform any act which he is not permitted by the *Shaster* to perform, or if a man hath administered any such kind of philter, so that there is no fruit produced by the trees, or causes a cow to take such a medicine as that she brings forth no calf, or if a man, having concealed any partnership property, converts it to his own use, or if a man of the *Arzâl*, or low cast, intentionally strikes with his hand a *Bramin*, a *Chehteree*, or any other such superior cast, the magistrate shall fine the offender, in any of these cases, one hundred *puns* of *cowries*.

IF a father forsakes a son, who has no stain upon his character, such as the loss of cast and such other disgraceful circumstances, or if a son, of his own accord, forsakes his father, who has no stain upon his character, or if a friend forsakes his friend, who is without blemish, or if a brother forsakes a brother, without discovery of any fault in him, or if a husband forsakes his wife, without fault in her, then, if any of these, if both the parties are unfit for business, and have no remedy but that of separation, the magistrate shall fine the forsaking party one hundred *puns* of *cowries*; if, without any reason but merely their own choice, the one forsakes the other, the magistrate shall fine him two hundred *puns* of *cowries*; if of the two parties one is
fit

fit for business and the other unfit, then, if the unfit person, of his own choice, quits the other, the magistrate shall fine him six hundred *puns* of *cowries*.

IF one person be going on a road, and another be coming on it, then, whomsoever the ordinations of the *Shaster* require to give up the way to the other, that person shall give way accordingly. The distinctions of giving way are as follows: if one man is blind, and the other hath his sight, this latter shall give way to the blind; if one person be deaf, and the other hath his perfect hearing, the latter shall give way to the deaf: a man shall give way to a woman, and a man empty-handed shall give way to a man with a burden; the subject shall give way to the magistrate, the pupil to the spiritual guide; and so always an inferior person shall give way to a superior, and an inferior cast to a superior, and an inferior degree of knowledge to a superior degree; a man in health shall give way to a sick person; and all persons shall give way to a *Bramin*: if any person doth not give way according to this rule, the magistrate shall fine him twenty *puns* of *cowries*.

IF a man doth not give a carpet, to sit on, to such person as he ought to present with such a seat, or doth not treat with proper veneration a person to whom veneration is due, or who, neglecting a faultless *Bramin* in his neighbourhood, invites a *Bramin* from a considerable distance, or who, having invited any person, doth not offer him any thing to eat, or who, having accepted an invitation, doth not go to the house whither he was invited accordingly, the magistrate shall fine the offender, in such cases, one *māsbeh* of gold.

IF a man, having accepted another's invitation, doth not eat at his house, then he shall be obliged to make good all the expence that was incurred in consequence of the invitation.

IF the magistrate appoints any man upon the road to this effect, to take a toll from all passengers going or coming by water, and that man levies a toll upon those who come or go by land, the

magistrate shall fine him ten *puns* of *cowries*; in the same manner, if he has appointed him to the land collections, and he levies any thing from the passengers by water, the magistrate shall then also fine him ten *puns* of *cowries*.

If any man goes to a woman, and forcibly commits adultery with her, and that woman, from bashfulness and modesty, exclaims, that thieves attacked her house, then the magistrate shall fine that woman five hundred *puns* of *cowries*.

If any man forcibly commits adultery with a woman, and the woman, by exclamations, being desirous to call the neighbourhood, the man gives her something as a bribe, so as to make her desist from her exclamations, then, whatever bribe the woman hath taken, in such a case the magistrate shall fine her eight times as much.

If a man, saying, that the clothes, which he has taken from the body of some deceased person, are fit for use, and valuable, sells them as such, or, without the order of the magistrate, rides out with the dignity of a magistrate, or sits upon the *musnud* of the magistrate, the magistrate shall fine an offender, in such cases, five hundred *puns* of *cowries*.

If a man performs a *Jugg*, to procure the death of any innocent person, the magistrate shall fine him two hundred *puns* of *cowries*.

If a man, to procure the death of any innocent person, by any contrivance, causes him to drink a potion, or otherwise meditates his death, the magistrate shall fine him two hundred *puns* of *cowries*.

If a man bores a hole through any jewel which is not proper for boring, or, in such as are proper for boring, makes a hole in the wrong place, or mixes any base and worthless article with one that is valuable, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF a man sells any thing unfit to eat, calling it an eatable, or if any cast sells any articles that are forbidden to be sold by that cast, or if a *Bramin*, quitting his prescribed mode of life, hath adopted other manners, in any of these cases, the magistrate shall fine the offender one thousand *puns* of *cowries*.

IF any man demolishes the *Bundàreh*, (*i. e.*) the treasury and store-house of the magistrate, or performs the *Jugg*, or the *Poojeh*, or such other religious exercises, with a malevolent intent towards the magistrate, or if, being appointed to any business, he spoils that business, or if he always takes bribes, in any of these cases, the magistrate, confiscating the whole property of the offender, shall banish him the kingdom.

IF a man, by casting briars into the road, blocks up the passage, or mixes poison with any preparation, salt, or acid, or bitter, or sweet, or who marries to a slave any woman who is not herself a slave, in such cases, the magistrate shall cut off one of the offender's limbs; if he is always guilty of these practices, the magistrate shall put him to death.

IN any place where the magistrate is playing with any person at *Choperbàzee*, or at tables, or any other such kind of game, in that case, if any person, without permission of the magistrate, interposes with his hand, or by speaking, the magistrate shall put him to death.

IF any man, without permission of the magistrate, dresses himself in clothes like those of the magistrate, or who, being appointed to an office in the magistrate's service, continually neglects his duty, to employ himself in idle amusements, or to hear singing, or, in any other dissipation, mispends his time, or who collects a greater revenue than the magistrate hath ordered, or who aims at the magistracy, without being descended from the magistrate's family, in such cases, the magistrate shall put the offender to death.

IF a man, for his own advantage, makes any false entry in the magistrate's books, or, having discovered a thief, or an adulterer, suffers him to escape unpunished, the magistrate shall fine him one thousand *puns* of *cowries*.

IF a man, of his own invention, says, that the magistrate has intrusted to him the discussion of any particular affair, which, in fact, the magistrate has not so intrusted, and, upon this assertion, has caused damage to any persons, the magistrate, in that case, shall fine him to the extent of his abilities; if he be more than once guilty of the same offence, he shall cut off one of his limbs; if he hath a violent propensity to such crimes, he shall put him to death.

IF any man disobeys the order of the magistrate, which may be executed, and which is proper, the magistrate shall cut off from him a hand, or a foot, or some other limb; if he always offends in this manner, he shall put him to death.

IF a man makes complaint before the magistrate against the magistrate's counsellor, without any real fault in him, or performs any business or service for the magistrate's accuser, the magistrate shall put him to death.

IF the magistrate's officer hath brought before the magistrate any person for any crime, and, upon the magistrate's examining that person, he should deny the crime laid to his charge, then, even if a small offence be proved against him, upon a trifling crime, the magistrate shall levy a great fine.

IF a woman causes any person to take poison, or sets fire to any person's house, or murders a man, then the magistrate having bound a stone to her neck, shall drown her, upon condition of her not being with child.

IF a woman murders her spiritual guide, or her husband, or her son, the magistrate, having cut off her ears, her nose, her hands,

hands, and her lips, shall expose her to be killed by cows, on condition of her not being with child.

IF a man spoils any article made of leather, or any wooden or clay vessels, the magistrate shall fine him five times as much.

IF a man causes another to do any bad action, the magistrate shall take from him double of the fine annexed to the commission of any particular crime: if a man says to another, "Do you commit this bad action, I will stand to all the expences that may arise," then the magistrate shall fine him four times as much.

IF a man causes another to begin any bad action, or shews him the way to commit a bad action, or furnishes him with any implements for the commission of it, or who, suspecting that the other person is a thief, gives him a place where to reside, in these cases, the magistrate shall fine him to the extent of his abilities.

WHEN a man hath murdered another, if a third person, who had power to restrain the murderer, neglected to do it, or, not having power of himself to restrain the murderer, yet, by speaking to another person, could have caused him to be restrained, and neglected to speak, or when the magistrate is prepared to chastise any person, if another, at that time, relates his faults, or when a man tells another, that he is desirous to commit a bad action, if the other advises him thereto, the magistrate, in these cases, shall fine the offender to the extent of his abilities.

IF a man, having committed a bad action, should say, in presence of the magistrate, or of a considerable number of persons, that he hath committed such crime, the magistrate shall exact from him but half the fine.

IF a man in immediate danger of his life, by committing a bad action, can save his life, in that case, the magistrate shall not fine him.

IF a man of veracity and general good principles ignorantly commits any bad action, the magistrate shall not fine him.

IF a man, intending to commit a bad action, hath proceeded so far as to commit some little part of that bad action, the magistrate shall fine him one quarter part of the whole mulct stated for such crime; if he has proceeded still farther in the commission of that crime, the magistrate shall take from him one half of that fine; if he completes the said bad action, he shall take the equivalent fine.

IF a *Reyot* commits any crime, the magistrate, immediately upon receiving information thereof, shall exact the fine, and give him severe caution not to commit the same crime a second time.

IN any case where many persons in confederacy commit any crime, the magistrate shall take from each individual a double fine.

PUNISHMENT is of two sorts: the first corporal, or infliction of severity upon the body, and that is also of two sorts; the first binding and lashing the body, or cutting off some of the limbs; the second putting to death: the second sort of punishment is attachment of property, and this has various and many modes.

IF a man is frequently guilty of any of those crimes, the fine for which is stated at one *pun* of *cowries*, the magistrate shall fine him one *màsbeh* of *silver*; if he frequently commits such crimes as are stated at one *màsbeh* of *silver*, then the magistrate shall fine him one *cahawun* of *cowries*: if a man frequently commits any of those crimes, the stated fine for which is one *cahawun* to two hundred and forty-nine *puns* of *cowries*, then the magistrate shall fine him four times as much; beyond this, in such sort of crimes, there is no greater fine.

IN cases where the stated fine to be taken from any man, for a particular crime, is one *cabawun* of *cowries*, if the magistrate commits such crime, in that case, the aforesaid magistrate shall be fined one thousand *puns* of *cowries*.

IF a man of the *Arzàl* cast, after contact, of whom washing is necessary, or if a man sprung from the womb of a woman of superior cast, and from the loins of a man of meaner cast, or if a woman, or a child, or a man in necessity, commit any fault, the magistrate, from such persons, shall not exact any fine.

IN crimes where a man's whole property is to be taken as the fine for them, if painters commit such a crime, the magistrate giving to them the necessary implements for painting, shall confiscate the whole of their property.

IF a man, who gets his livelihood by tillage, commits such crime as that his whole property becomes liable to confiscation, then the magistrate, leaving him such subsistence and implements of tillage as, upon computation, will serve till his crop is ripe, shall confiscate all the rest of his property.

IF singers, musicians, or dancers, commit any such crime as that the whole of their property becomes liable to confiscation, then the magistrate, giving them the implements of their profession, shall confiscate all the rest of their property.

IF a dancing girl (or common prostitute) commits such crime as that all her property becomes liable to confiscation, the magistrate, giving to her her cloth, or carpet, for sitting, her clothes, jewels, and a place of abode, shall confiscate all the rest of her effects: in the same manner, to a soldier, shall be given his implements of war; and to a man, exercising any profession, the implements of that profession shall be exempted from the confiscation of all the rest of his property.

IN cases where it is ordered a man shall be put to death, instead thereof, he shall pay one hundred *ashrufies*, and where it

is specified, that one of his hands, or one of his feet shall be cut off, instead thereof, he shall pay fifty *asbrufies*; and instead of having two of his fingers cut off, he shall pay twenty-five *asbrufies*; so also, where banishment from the kingdom is his sentence, instead thereof, he shall be fined twenty-five *asbrufies*.

IF in two places two different fines are specified for the same crime, it must then be considered, whether the offender hath committed this crime once only, or repeatedly; if he hath but once been guilty, then, in the place where a smaller fine is specified, according to that specification he shall be fined; and if he hath frequently committed the same offence, then he shall pay the larger fine: it shall be considered also, whether the criminal be a man of large or of inconsiderable property; if he is a man of large property, he shall pay according to the specification of the larger fine; if he is not a man of property, then he shall be fined according to the smaller mulct specified.

IN cases where it is specified, that a man shall be fined the same mulct as a robber, or as an adulterer, or any other offender, then, whatever fine is specified to each particular crime, a fine of half as much as that stated fine shall be taken from him.

IF men of rank, or of good principles, or of learning, commit such a crime as to deserve a capital punishment, and are not men of property, the magistrate shall take from them less than one hundred *asbrufies*, in proportion to their fortune; if they frequently commit the same crime, the magistrate shall confiscate all their property, by way of fine, and shall banish them the kingdom.

IF a *Bramin*, who hath always acted in conformity to the *Beids*, commits such a crime as to deserve capital punishment, then the magistrate, to prevent him in future from the commission of such crimes, shall confine him in perpetual imprisonment: if a *Chehteree*, or *Bice*, or *Sooder*, is unable to pay such fine as is ordained by the *Shaster*, the magistrate shall cause them to labour in lieu of such fine; but he shall not cause a *Bramin*

Bramin to labour in this manner, but shall take the fine from him by small proportions.

IF a woman of property commits a crime, the magistrate shall fine her; if she hath no property, he shall chastise her.

IF a child, or an old and impotent person, or a sick man out of ignorance, or an idiot, commits any crime, the magistrate shall not take any fine from such persons, but shall chastise them.

IF a *Bramin* goes to wait upon a magistrate, the servants and *derbans* shall not obstruct his entrance, but shall give him a ready admittance.

IF a *Bramin* be passenger in a boat, he shall not pay any *coru-ries* to the watermen, and he shall enter into the boat before any of the other passengers, and he shall also come out before them.

IF a *Bramin*, having purchased any goods, be passenger in a boat, he shall not pay any thing to the waterman, upon supposition that he has not bought those goods for traffic or sale.

IF a man borrows honey, or sugar, or salt, and does not repay it in the space of fifty months, he shall be obliged to give eight times as much.

IF a man hath borrowed any seed, he shall be obliged to return six times as much, upon supposition that he does not repay it in the space of fifty months.

IF a man hath entrusted to be tended by a herdsman, a cow, or a female buffalo, and hath stipulated some milk for the herdsman's wages, then, upon the owner's neglecting, for a long time, to take back such cow or buffalo, the herdsman shall take the calves produced from them as his own property.

EXCLUSIVE of those articles sold by weight, of which mention is made in the chapter of borrowing, if a man borrows any other article that is sold by weight, and does not repay it for a long space of time, he shall be obliged to give eight times as much.

IF a man, having been loser at any game, hath, for a long time, omitted to pay the wager stipulated thereupon, he nevertheless shall not pay interest upon it.

IF a man hath, by flight and cunning, taken any thing from another, that person, at the time of recovering his property, shall not receive any interest thereon.

IF a man, depositing a pledge with any person, borrows money of him, and the pledge by any unexpected accident be destroyed, then the borrower shall commit some other article to the lender's charge, until repayment of the money, or shall repay the money upon the spot.

IF a pledge, in the hands of a creditor, be destroyed by any fault of the creditor, then, supposing the value of the pledge to be equivalent to the money lent, the borrower shall not make good the debt; if the value thereof be less than equivalent, the borrower shall make good the amount of the deficiency; if the price of the pledge be more than equivalent to the money borrowed, the debt shall go in part payment thereof, and the creditor shall be obliged to make good the remainder.

IF a father, having borrowed money, from absolute inability, neglects to pay the same, his son, if able to furnish the money, shall pay the debt.

IF a husband borrows money, his wife shall not repay it; if a son borrows money, the mother shall not pay the debt; if they have incurred the debt by mutual consent, the mother must pay it.

IF a creditor once only obliges his debtor to perform any labour on account of the debt, which is not proper for that debtor to perform, the magistrate shall fine that creditor two hundred and fifty *puns* of *cowries*.

IF a man, having incurred a debt, is unable to pay it, on account of a famine, or any such calamity, the creditor shall be contented to receive the money in small proportions, and shall not exercise any violent severity against the debtor.

IF a man brings a claim against any person, saying, "You owe me a sum of money," and that person denies the debt, then, upon the creditor's proving the debt, that person, if he be rich, shall be fined twice as much as the debt; if he be a man of inconsiderable property, he shall be fined a sum equivalent to the debt.

IF a man, having borrowed money of several lenders, hath purchased goods therewith, and all the creditors assemble together at once, and the debtor hath no immediate means of paying them, then whatever goods he hath purchased with each creditor's money shall be sold, to repay each creditor respectively.

WHEN a debtor hath paid his creditor the sum of his debt, he shall receive his bond back from the creditor, and shall tear it; and shall also take a written release or receipt from the creditor.

IF a man hath borrowed money from a lender, and hath not given a bond, but there be witnesses to the same, then, at the time of repayment, the money shall be delivered in presence of the same witnesses.

IF any man, having been expelled and excommunicated from his cast, performs the *Peràshchut*, or expiation, then, during his lifetime, his son and grandson, and such other natural heirs, shall not become possessed of his estate; but his property shall be divided among them, according to their right of inheritance.

IF there are two, or four, or more heirs, and one or two of them, by applying to use the partnership property, acquire some profit from thence, then all the partners, according to their property in the stock, shall receive a share of the profit; but he who acquired this profit shall divide their property into equal shares, and first shall take one share thereof to himself, and of the rest they all shall take shares respectively, according to their proportion of the stock: but this ordination is only to be understood in cases of unequal shares in a joint concern; if the shares of all the partners are equal, then he who acquired the profit thereon shall receive two shares, and the others shall each receive one share.

IF the several partners have an equal right to a female slave, or to a slave, then all the partners shall exact an equal portion of service from that slave, or female slave.

IF any one of the partners hath concealed any part of the joint property, then, upon discovery thereof, such concealed property shall be divided among the partners; but they shall not receive any share of that property, which hath already been divided.

IF a man hath forcibly taken any thing from another, or forcibly caused him to sign any writing, or by violence expended any of his property, it is not approved.

IF a man, by forcible means, or by any deceitful artifice, hath sold any thing, or managed any other transaction, it is not approved.

IF, during the night-time, or in a concealed part of the house, or without the precincts of the town, or in such other concealed and suspicious places, a man hath bought and sold any thing, or managed any other transaction, it is not approved.

IF a woman, or a person intoxicated, or an ideot, or a sick person, or a child, or a man under violent dread, hath performed any transaction, it is not approved.

EXCLUSIVE of the plaintiff and defendant, and the *vakeel*, or the son, or the slave of the plaintiff and defendant, if any other person takes upon him to settle the affairs, it is not approved.

IF a man doth not give up goods intrusted to him, when the person who intrusted them demands the same, then, if he be rich and void of religion, the magistrate shall fine him twice as much as the value of the goods in trust; if he is not a man of property, nor void of religion, he shall only fine him an equivalent.

IF a man ignorantly, without any accidental calamity, spoils goods intrusted to him, in that case, he is not to make good the whole of the effects in trust, but he shall pay somewhat less than the value of the property intrusted to him, and the sons of that person are not to pay any part thereof.

IF the goods in trust be spoiled by the fault of the sons, then the sons also shall pay.

WHEN a pupil takes leave of his master, after having been instructed in any science, the master, upon giving him his dismission, shall give him some money, according to the extent of his abilities.

IF a man, having received service at the hands of a servant, doth not pay him his wages, the magistrate shall cause him to pay the wages, and shall also fine him.

IF a man hath married any female slave, he becomes the slave of the owner of that female slave, in case he is not already the slave of any person; if he is the slave of any person, and marries that female slave, with the consent of his master, he then also becomes the slave of the owner of the slave girl.

IF a marriage is contracted between a slave and a slave girl, without the consent of the owner of the slave, or that of the owner of the slave girl, then the slave continues to belong to his original owner, and the female slave also remains with her original owners.

IF any person's cow, being covered by another person's bull, should produce a calf, then the owner of the cow shall have the calf, and the owner of the bull shall not have power to lay any claim to it.

IF a man, having purchased any goods, doth not pay the toll thereon in the *bàzàr*, or at the *chokey*, the magistrate shall take eight times as much as the toll from him; if that person, for the sake of avoiding payment of toll, quits the right road and takes another, the magistrate shall confiscate all his property.

IF a man, to avoid paying toll, doth not sell his goods at the regular hours of sale, but sells them privately, the magistrate shall fine him eight times as much.

IN a transaction of returning purchased goods, if the purchaser returns such articles within the time limited for that purpose, in the chapter of buying and selling, then he shall divide that space of time into three parts; if he returns the goods within the space of the first division of time, it is of no farther consequence; if he returns them within the second division of time, he shall give one thirtieth of the price of the article, together with the article returned to the seller; if within the third space of time, he then shall give to the seller one fifteenth of the price of the article, together with the article so returned; and, after the expiration of that space of time, purchased articles must not be returned.

IN the chapter of buying and selling, according to the space of time therein limited for returning purchased goods, if a man, having bought any commodity, returns it after the expiration of that period, or, having sold any articles, takes them back

again, the magistrate shall fine that person six hundred *puns* of *cowries*.

IF a man, having purchased a cow or a buffalo that gives milk, returns it within the period of time limited for such returns, he shall, upon returning the same, give one tenth of the price thereof to the feller; in returning purchased cows or buffalos, there is no division of the limited period into three parts, as before.

IF the purchaser of the cow or buffalo hath taken the purchase into his own possession, he shall give to the feller one sixth of the price thereof.

IF a man gives false testimony in a matter of limits and boundaries, then the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

IF that person is an immediate neighbour to those boundaries, then the magistrate shall fine him five hundred *puns* of *cowries*.

IF a man steals any thread, or cotton, or cow dung, or grafs, or water, or sugar cane, or vessels of *bamboo*, (that is, cane), or salt, or earthen pots, or sand, or dust, or clay, or fish, or birds, or bitter oil, or flesh, or honey, or leather, or ivory, or the horns of animals, or wine, or victuals, or fruit, which any person hath bought for his own use, then the magistrate, causing such articles to be returned to the owners, shall fine the thief one hundred *puns* of *cowries*.

THE *Shàit*, or *Poofsteh-bundee*, is of two sorts: the first, *Khieu* (*i. e.*) a bridge, through which the water has free passage; the second, *Bundhoo* (*i. e.*) bank, or dam, through which the water does not flow.

IF a man erects such a bridge or bank upon the land of another person, and that person sustains a small injury from the said bank, and the public receives a material benefit, then that

person is not permitted to interrupt the progress of the said *Pooshteh-bundee*.

IF a man hath erected a bridge or bank upon any particular spot, from the construction of which bridge or bank the crops upon other persons grounds are much benefited, this man hath no power to claim the said crops; but the owners of the land shall possess the crops respectively.

IF a *Chehteree* commits adultery with a woman of the *Bramin* cast, who has no master, by her own consent, the magistrate shall fine the said *Chehteree* one thousand *puns* of *cowries*, and shall cause the hair of his head to be shaved off with the urine of an ass.

IF a man strikes the *anus* of another, the magistrate shall fine him forty *puns* of *cowries*.

WHATEVER ordination such *Bramins* as are *Pundits* delivered to the *Reyots* from the *Shaster*, the *Reyots* shall acknowledge and obey the same: whoever, being a *Pundit*, does not speak the sentiments of the *Shaster*, the magistrate shall fine him two hundred and fifty *puns* of *cowries*.

UPON the magistrate's having made a regular investigation, whatever orders he shall issue to any person, if that person does not act in conformity thereto, the magistrate shall fine him.

MEN that vilify the magistrate, or men of innate bad principles, or men who, without reason, cause any internal uneasiness to others, the magistrate shall banish all such from the kingdom.

IF a man, having always been used to eat and drink with another, without any fault of that person, will no longer eat and drink with him, then the magistrate shall hold him guilty.

IF several persons in a confederacy refuse to pay to the magistrate his proper dues, the magistrate shall exact eight times as much from each individual.

IF

IF any person, having borrowed money in the name of several persons, applies the same to his own use, that person shall be obliged to pay the debt.

IF the father or mother of the magistrate, or any person who hath taught the *Goiteree*, or a child, or a weak old person, or a man of rank and knowledge in the *Beids* of the *Shaster*, and who acts in conformity to the *Beids*, or a kinsman and relation of the magistrate, commits a fault, the magistrate shall not take a pecuniary fine from such persons, nor shall cut off their limbs, but shall utter severe expressions of wrath against them.

IF a *Sinassée*, or a *Bàn Perùst*, or a *Berhemchàrry*, commits any crime, the magistrate shall not take from them any pecuniary fine, and shall not cut off the limbs of such persons, but shall anathematize them.

THERE is no crime in the world so great as that of murdering a *Bramin*; wherefore the magistrate shall never desire the death of a *Bramin*, nor shall he ever cut off his limbs.

IF a *Bramin* is guilty of drinking wine, he shall be branded in the forehead with the *Sooràdhuch*:—*Sooràdhuch* is that, at the time of drinking wine, upon turning down the cup, in such manner as that the wine falls from the mouth of the cup; in the same form they shall brand the *Bramin's* forehead with a hot iron.

IF a *Bramin* commits adultery with any of his father's wives, exclusive of his own mother, the magistrate shall brand him with a hot iron in the forehead with the mark of the *pudendum muliebre*.

IF a *Bramin* hath murdered another *Bramin*, the magistrate shall brand him in the forehead with the mark of a man without a head.

EVERY *Bramin*, who does not every day act according to the *Shaster*, and who acts in contradiction to the *Shaster*, shall

be confined in prison by the magistrate, until such time as he reverts to the duties of his religion; if he never reverts to the duties of his religion, he shall be banished the kingdom.

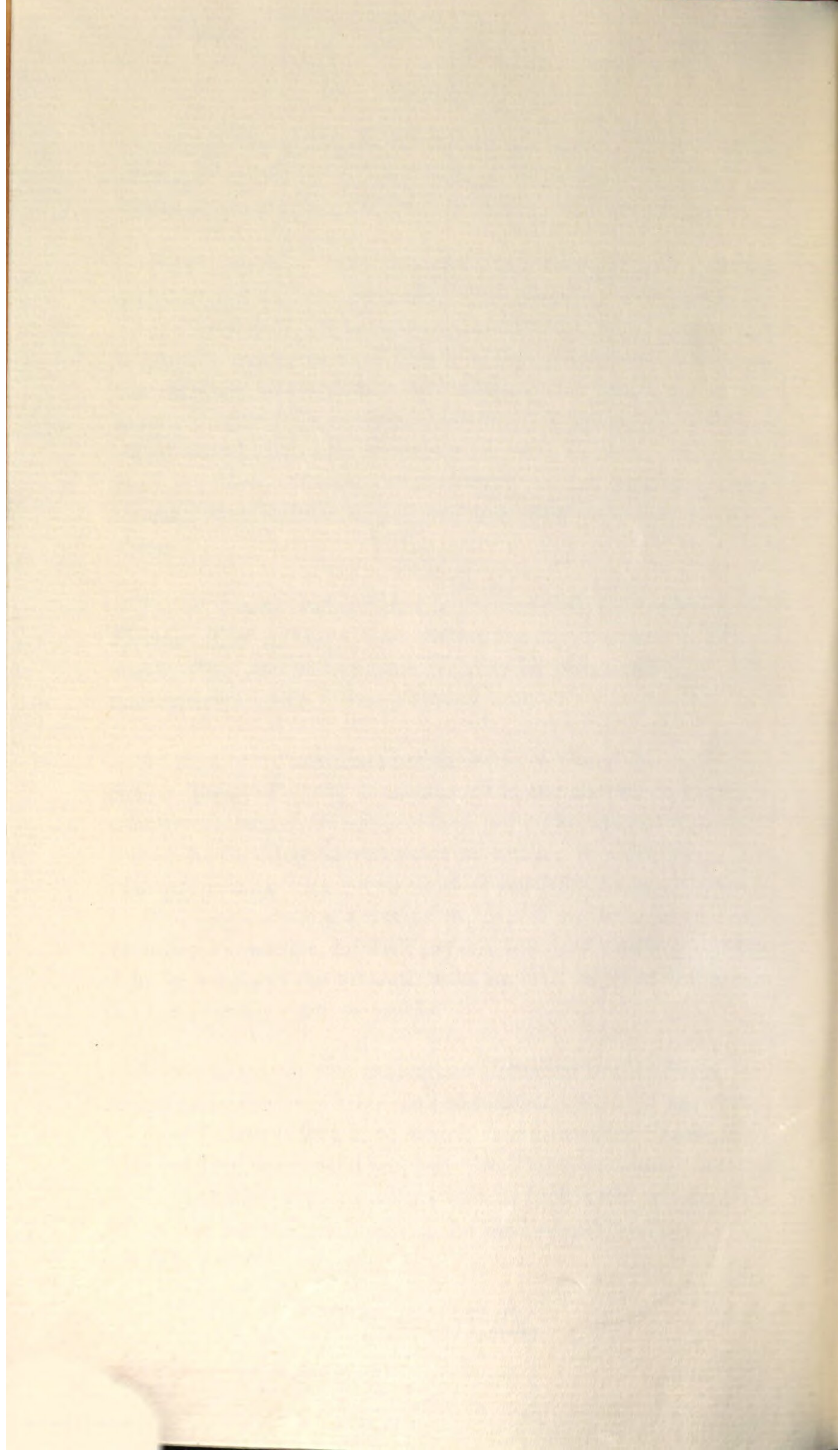
THE magistrate shall not take any of the property termed *Màhà Pàtuk*, (a description of which is to be found in the chapter of *Pàk-Pàrisb*), if he takes a fine from thence, he shall cast it into the water, or shall give it to such *Bramin* as is firm in his religion, and who acts in conformity to the *Beids*; if the magistrate doth not appropriate to himself the property called *Màhà Pàtuk*, but acts according to what is herein enjoined, then the lives of men are prolonged in his kingdom, and learning flourishes there, and beautiful children are propagated there.

FROM a man that is rich a larger fine than that respectively specified shall be taken, that, feeling the inconveniencies of the mulct, from the fear thereof, he may be restrained from the commission of such crimes a second time.

AFTER being acquainted with the fines stated for each particular species of theft, as mentioned in the chapter of theft, if a *Sooder* commits a robbery, he shall pay eight times as much; if a *Bice*, he shall pay sixteen times as much; if a *Chehteree*, he shall pay a fine of thirty-two times as much; if he be a *Bramin*, he shall pay sixty-four times as much; if he be a *Bramin* of extensive knowledge, he shall pay one hundred times as much; if he be a man of the greatest rank, he shall be fined one hundred and twenty times as much.

ACCORDING to the ordinations delivered in this *Pootee*, or compilation, the magistrate shall administer justice; if any matter should come before him, which is not included herein, he shall consider the general scope of this *Pootee*, and judge accordingly, and fine proportionably; and in such cases where the fine is not particularly specified, he shall investigate the affair and take a fine.

T H E E N D.



Halhed, Nathaniel Brassey, 1751-1830

A Code of Gentoo laws, or, ordinations of the Pundits

London 1781

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